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56TH CONGRESS, }
2d Session. }

SENATE.

{ Doc. No. 231,
Part 8. }

COMPILATION
OF
REPORTS
OF THE
COMMITTEE ON FOREIGN RELATIONS,
UNITED STATES SENATE,
1789-1901,
LIBRARY.
First Congress, First Session, to Fifty-sixth Congress, Second Session.

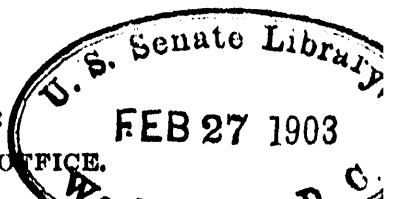
TREATIES AND LEGISLATION RESPECTING THEM.

GENERAL INDEX.

VOL. VIII.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.

1901.



IN THE SENATE OF THE UNITED STATES,

January 15, 1901.

Resolved, That there be printed as a Senate document the Compilation of Reports of the Committee on Foreign Relations of the United States Senate from seventeen hundred and eighty-nine to nineteen hundred, prepared under the direction of the Committee on Foreign Relations, as authorized by the Act approved June sixth, nineteen hundred, entitled "An Act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred, and for prior years, and for other purposes."

Attest:

CHARLES G. BENNETT,
Secretary.

TREATIES AND LEGISLATION RESPECTING THEM.

TREATIES AND LEGISLATION RESPECTING THEM.

FIRST CONGRESS, THIRD SESSION.

January 27, 1791.

On message of President as to action of France in imposing extra tonnage on vessels of United States, Mr. Morris reported as follows:

Resolved, As the opinion of the Senate, that the fifth article of the treaty of amity and commerce between the United States and His Most Christian Majesty, is merely an illustration of the third and fourth articles of the same treaty, by an application of the principles comprised in the last mentioned articles to the case stated in the former.

Resolved, That the Senate do advise that an answer be given to the court of France, defending in the most friendly manner, this construction in opposition to that urged by the said court.

(Annals, 1st Cong. 1748, 1771; Ex. Jour., pp. 66, 72, 77.)

SECOND CONGRESS, FIRST SESSION.

November 9, 1791.

On the treaty with the Cherokees Mr. Hawkins reported as follows:

That they have examined the said treaty and find it strictly conformable to the instructions given by the President of the United States.

That these instructions were founded on the advice and consent of the Senate, on the 11th of August, 1790.

That the stipulations of the fourteenth article are similar to those gratuitously promised to the Creeks; and although they form an excess to the sum limited in the resolution aforesaid, yet from the beneficial effects likely to be produced thereby, can not be objectionable.

That a new boundary has been arranged, which embraces the people settled to the south of French Broad, and between the same and the ridge which divides the waters running into Little River, and from those running into the Tennessee. That the boundary, in other respects, is nearly the same as that established at Hopewell.

The committee are therefore of opinion that the Senate advise and consent to the ratification of said treaty.

(Ex. Jour., vol. 1, p. 88.)

December 6, 1791.

On the petition of Charles Colvill and communications in regard to American prisoners in Algiers, Mr. Butler reported as follows:

Resolved by the Senate of the United States, in their capacity as Council of Advice, That if the President of the United States shall enter into any treaty convention for the purpose of establishing and preserving peace with the Regency of Algiers and with Tunis and Tripoli, "at an expense not exceeding one hundred thousand dollars annually," for such a term of years [as] shall be stipulated, and for the purpose of ransoming the citizens of the United States in captivity with the Algerines, "at an expense not exceeding forty thousand dollars for the said ransom," the Senate will advise and consent to the same and ratify and approve any measures which the President of the United States shall take for accomplishing these objects to an amount not exceeding five thousand dollars, although such measures should prove unsuccessful.

Resolved, That if a convention or treaty for the establishment and preservation of peace can not be made with the Regency of Algiers the sum of two thousand four hundred dollars annually shall be distributed among the said captives or their families, as they may prefer, in such manner and in such proportion as the President of the United States shall order and direct during their captivity.

Resolved, That the President of the United States be authorized and empowered to draw on the Treasury of the United States for the sum of one hundred and forty-five thousand dollars.

(Annals, 2d Cong., 26; Leg. Jour., pp. 336, 349, 354, 394; Ex. Jour., vol. 1, p. 91.)

March 13, 1792.

On the message of the President as to treaty with Spain, Mr. Cabot made the following report:

The committee to whom was referred the message of the President of the United States of the 7th instant, with the report of the Secretary of State accompanying the same, stating the reasons for extending the negotiation proposed at Madrid to the subject of commerce, etc., explaining, under the form of instruction, to the commissioners lately appointed to that court the principles on which commercial arrangements with Spain might, if desired on her part, be acceded to on ours, report that it is expedient for the Senate to resolve that they advise and consent to the extension of the powers of the commissioners as proposed, and that they will advise and consent to the ratification of such treaty as the said commissioners shall enter into with the court of Spain in conformity to these instructions.

(Ex. Jour., vol. 1, pp. 110, 115.)

May 5, 1792.

On the message as to treaty with Algiers, Mr. Morris reported as follows:

Resolved, That if the President of the United States shall conclude a treaty with the Government of Algiers for the establishment of peace with them, at an expense not exceeding forty thousand dollars,

paid at the signature, and a sum not exceeding twenty-five thousand dollars, to be paid annually afterwards during the continuance of the treaty, the Senate will approve the same; and in case such treaty be concluded, and the President of the United States shall also conclude a convention or treaty with the Government of Algiers for the ransom of the thirteen Americans in captivity there, for a sum not exceeding forty thousand dollars, all expenses included, that the Senate will also approve such convention or treaty.

(Ex. Jour., vol. 1, p. 123.)

THIRD CONGRESS, FIRST SESSION.

June 6, 1794.

As to providing for the payment of a certain sum of money due to the French Republic, Mr. King made the following report:

It appears by a statement of the account between the United States and France, reported to the House of Representatives, that, according to the view which is entertained at the Treasury of that account, the United States, on the 1st day of January, 1794, were in advance to France the sum of 2,111,086 livres tournois and 5 deniers (being \$383,162.11), beyond the installments and principal and all interest which had accrued to that period.

It further appears upon inquiry at the Treasury that, since that period, there has been advanced on account of our debt to France the further sum of \$71,242.81.

And it appears likewise, from the papers referred to the committee, that the President has promised further payment upon the same account of 1,500,000 livres on the 3d of September next, and of 1,000,000 livres on the 5th of November next, making together \$453,750; which payments, it is understood, may be anticipated at the Bank of the United States, in the proportions and at the epochs which are desired by the minister of the French Republic.

These sums embrace all the parts of principal which by contract would become payable to France during the year 1794, beyond which, were there no anticipations, nothing would be demandable during the present year but the interest on the balance of the entire debt, which balance, on the 1st day of January, 1794, is computed at the Treasury at \$2,611,587.88; whence it results that the payments which have been made and engaged to be made exceed those which by the terms of contract could be demanded.

This being the case, and the loan in question having been in its origin specifically appropriated to the purpose of the sinking fund, it is the opinion of the committee that it is not advisable to divert it from its destination, as is proposed by the bill referred to them, and consequently that the bill should not pass.

(Annals, 3d Cong., 1st sess., 127, 129.)

FOURTH CONGRESS, FIRST SESSION.

February 25, 1796.

On the treaty with the Dey of Algiers of February 15, 1796, Mr. Ellsworth reported as follows:

That the expense of procuring and transporting to Algiers the naval

and military stores included in the *douceur* for peace will probably amount to about \$120,000, making the whole *douceur* and the ransom of the prisoners about \$763,000, and that, besides the stipulated annuity of 12,000 sequins, the custom of Algiers will render necessary a present, biennially, of nine or ten thousand dollars, and upon the appointment of a consul a present of \$20,000.

That of the money included in the *douceur* for peace \$60,000 were paid at the time of signing the treaty. The residue was expected to be paid soon and when the prisoners should be released, and has probably been paid.

And that in the opinion of the committee it will be expedient for the Senate to advise and consent to a ratification of the treaty.

(Am. St. Pap., Vol. I, p. 549; Ex. Jour., Vol. I, pp. 198, 199, 200.)

FOURTH CONGRESS, SECOND SESSION.

January 23, 1797.

On the treaty with the Creek Indians, Mr. Read reported as follows:

Resolved (two-thirds of the Senate concurring therein), That they do consent to and advise the President of the United States to ratify the treaty of peace and friendship made and concluded at Colerain, in the State of Georgia, on the 29th of June, 1796, between the President of the United States of America, on the part and behalf of the said States, and the kings, chiefs, and warriors of the Creek Nation of Indians on the part of the said nation: *Provided, and on condition,* That nothing in the third and fourth articles of said treaty, expressed in the words following:

“Article third. The President of the United States shall have full powers, whenever he may deem it advisable, to establish a trading or military post on the south side of the Altamaha on the bluff about one mile above Beard’s Bluff, or from thence down the said river to the lands of the Indians; to garrison the same with any part of the military force of the United States, to protect the posts, and to prevent the violation of any of the provisions or regulations subsisting between the parties; and the Indians do hereby annex to the post aforesaid a tract of land five miles square, bordering on one side on the river, which post and the lands annexed thereto are hereby ceded to and shall be to the use and under the Government of the United States of America.

“Article fourth. As soon as the President of the United States has determined the time and manner of running the line from the Currahee Mountain to the head or source of the main south branch of the Oconee, and notified the chiefs of the Creek land of the same, a suitable number of persons on their part shall attend to see the same completed; and if the President shall deem it proper to then fix on any place or places adjoining the river, and on the Indian lands, for the military or trading posts the Creeks who attend there will concur in fixing the same according to the wishes of the President. And to each post the Indians shall annex a tract of land five miles square, bordering one side on the river; and the said lands shall be to the use and under the Government of the United States of America.

Provided always, That whenever any of the trading or military posts mentioned in this treaty shall, in the opinion of the President of the United States of America, be no longer necessary for the pur-

poses intended by this cession, the same shall revert to and become a part of the Indian lands," shall be construed to affect any claim of the State of Georgia to the right of preemption in the land therein set apart for military or trading posts; or to give to the United States any right to the soil, or to the exclusive legislation over the same, or any other right than that of establishing, maintaining, and exclusively governing military and trading posts within the Indian territory mentioned in the said articles as long as the frontier of Georgia may require these establishments.

(Ex. Jour., vol. 1, pp. 221, 222, 231.)

FIFTH CONGRESS, FIRST SESSION.

June 7, 1797.

Mr. Bloodworth made the following report:

The Committee on Foreign Relations, to whom was referred the treaty made between the United States and the Bey of Tripoli, and signed by Joel Barlow at Algiers on the 3d of January, 1797, beg leave to make the following report:

The cost of the presents agreed to be made in consideration of the negotiation of the treaty to the Bey of Tripoli and others, according to the information of your committee, is as follows:

To be paid on the ratification of the treaty:

In specie	\$40,000
13 watches, at \$30 each	390
5 rings, at \$50 each	250
Cloth and brocade	200
	<hr/>
	40,840
	<hr/>

To be paid on the arrival of the consul:

In specie	12,000
5 hawfers, at \$80 each	400
8 cables, at \$120 each	960
25 barrels of tar	70
25 barrels pitch	100
10 barrels of resin	60
500 pine boards }	300
500 oak boards {	
10 masts	500
12 yards	120
50 bolts of canvas	750
3 anchors	250
	<hr/>
	14,910
	<hr/>

Total 55,750

Your committee recommend the ratification of the treaty, and beg to report the following resolution:

Resolved, That the President of the United States be informed that the Senate (two-thirds concurring) do advise and consent to the ratification of the said treaty.

(Ex. Jour., vol. 1, p. 244.)

FIFTH CONGRESS, SECOND SESSION.

February 28, 1798.

On the treaty with Tunis Mr. Bingham reported as follows:

That a peace with the Bey of Tunis, after a variety of difficulties and a tedious negotiation, has been at length concluded on the following terms, viz:

In money.....	\$50,000
In naval stores, called regalia.....	35,000
In peace presents.....	12,000
In consul's presents.....	4,000
In sackatappa, or secret-service money.....	6,000
	<hr/> 107,000

The greatest portion of which, it is supposed, has already been disbursed through the medium of a temporary loan obtained on account of the United States.

The committee further report the following resolution:

Resolved, That the Senate do advise and consent to the ratification of the treaty of peace and friendship between the United States of America and the Bey and Government of Tunis, concluded in the month of August, 1797, on condition that the fourteenth article of the said treaty, which relates to the duties on merchandise (to be reciprocally paid by the citizens and subjects of the said parties in their respective ports) shall be suspended.

That it shall be recommended to the President of the United States to enter into a friendly negotiation with the Bey and Government of Tunis on the subject of the said article, so as to accommodate the provisions thereof to the existing treaties of the United States with other nations.

(Ex. Jour., vol. 1, pp. 262, 263; Am. St. Pap., vol. 2, p. 126.)

June 5, 1798.

On the article explanatory of the treaty of 1794 with Great Britain, Mr. Read reported as follows:

Resolved (*two-thirds of the Senators present concurring therein*), That the Senate do consent to and advise the President of the United States to ratify the article explanatory of the fifth article of the treaty of amity, commerce, and navigation between the United States of America and His Britannic Majesty, laid before the Senate in the message of the President of the United States, dated the twenty-ninth day of May, seventeen hundred and ninety-eight.

(Ex. Jour., vol. 1, pp. 278, 279, 280.)

June 21, 1798.

Mr. Goodhue made the following report:

The Committee on Foreign Relations, to whom was referred that portion of the speech of the President which refers to the security of the commerce of the United States and to whom was also referred the message of the President in regard to the relations of the United States with the Republic of France, having given the subjects to them committed most careful and mature consideration, beg leave to report to the Senate that they recommend the adoption of the following:

Whereas the treaties concluded between the United States and

France have been repeatedly violated on the part of the French Government, and the just claims of the United States for reparation of the injuries so committed have been refused, and their attempts to negotiate an amicable adjustment of all complaints between the two nations have been repelled with indignity; and whereas, under authority of the French Government, there is yet pursued against the United States a system of predatory violence, infracting the said treaties and hostile to the rights of a free and independent nation:

Be it therefore enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the treaty of amity and commerce and the treaty of alliance between the United States and the French Government, concluded on the sixth day of February, one thousand seven hundred and seventy-eight, and the consular convention between the same parties, concluded on the fourteenth of November, one thousand seven hundred and eighty-eight, under existing circumstances, ought to be, and are hereby, declared void and of no effect, and shall no longer be binding on the Government and citizens of the United States.

SIXTH CONGRESS, FIRST SESSION.

December 24, 1799.

On the treaty with Tunis Mr. Bingham reported as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate do advise and consent to the ratification of the eleventh, twelfth, and fourteenth articles of the treaty of peace and friendship between the United States of America and the Bey and Government of Tunis, according to the substance and form of the said articles as they now appear in the treaty, they having been the subject-matter of a new negotiation in the month of March, one thousand seven hundred and ninety-nine, when the contracting parties agreed to their present modification through their agents empowered for that purpose.

(Ex. Jour., pp. 327, 328, 329, 330.)

SIXTH CONGRESS, SECOND SESSION.

January 19, 1801.

Mr. Morris, from the Committee on Foreign Relations, made the following report:

Your committee, to whom it was referred to reduce the several votes of the Senate on the convention between the French Republic and the United States of America into the form of a ratification, beg leave to report the following resolution:

*Resolved by the Senate of the United States (two-thirds of the Senators present concurring therein), That they do consent to and advise the ratification of the convention between the French Republic and the United States of America, made at Paris the eighth day of Vendémiaire of the ninth year of the French Republic, the thirtieth day of September, anno Domini eighteen hundred: *Provided*, The second and third articles be expunged and that the following articles be added or inserted:*

It is understood that nothing in this convention shall be so construed

as to operate contrary to any former and existing treaties between either of the parties and any other state or sovereign.

It is agreed that the present convention shall be in force for the term of eight years from the time of the exchange of the ratifications.

(Ex. Jour., vol. 1, pp. 370, 372.)

SEVENTH CONGRESS, FIRST SESSION.

December 18, 1801.

On the treaty with France Mr. Logan reported as follows:

That the Senate consider the convention between the United States and the French Republic as fully ratified, and therefore return the same to the President of the United States for the usual promulgation.

(Ex. Jour., vol. 1, pp. 397, 398.)

EIGHTH CONGRESS, FIRST SESSION.

October 25, 1803.

On granting authority to the President of the United States to take possession of the territories ceded by France to the United States by the treaty concluded at Paris on the 30th of April, 1803, Mr. Breckinridge reported the following bill:

Be it enacted, etc., That the President of the United States be, and he hereby is, authorized to take possession of and occupy the territory ceded by France to the United States by the treaty concluded at Paris on the thirtieth day of April last between the two nations, and that he may for that purpose and in order to maintain in the said territories the authority of the United States employ any part of the Army and Navy of the United States and of the force authorized by an act passed the third day of March last, intituled "An act directing a detachment from the militia of the United States, and for erecting certain arsenals," which he may deem necessary; and so much of the sum appropriated by the said act as may be necessary is hereby appropriated for the purpose of carrying this act into effect, to be applied under the direction of the President of the United States.

That until the expiration of the present session of Congress, unless provision for the temporary government of the said territories be sooner made by Congress, all the military, civil, and judicial powers exercised by the officers of the existing government of the same shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property, and religion.

(Leg. Jour., vol. 3, pp. 301, 302; Annals, 8th Cong., 1st sess., 25; Stat. L., vol. 2, p. 245.)

November 1, 1803.

As to authorizing the creation of stock for the purpose of carrying into effect the convention of the 30th of April, 1803, between the

United States and the French Republic, and making provision for the payment of the same, Mr. Jackson reported the following bill:

Be it enacted, etc., That for the purpose of carrying into effect the convention of the thirtieth day of April, one thousand eight hundred and three, between the United States of America and the French Republic, the Secretary of the Treasury be, and he hereby is, authorized to cause to be constituted certificates of stock, signed by the Register of the Treasury, or of its assignees, for the sum of eleven millions two hundred and fifty thousand dollars, bearing an interest of six per centum per annum from the time when the possession of Louisiana shall have been obtained in conformity with the treaty of the thirtieth day of April, one thousand eight hundred and three, between the United States and the French Republic, and in other respects conformable with the tenor of the convention aforesaid; and the President of the United States is authorized to cause the said certificates of stock to be delivered to the Government of France, or to such person or persons as shall be authorized to receive them, in three months at most after the exchange of the ratifications of the treaty aforesaid, and after Louisiana shall be taken possession of in the name of the Government of the United States; and the credit or credits to the proprietors thereof shall thereupon be entered and given on the books of the Treasury in like manner as for the present domestic funded debt, which said credits or stock shall thereafter be transferable only on the books of the Treasury of the United States by the proprietor or proprietors of such stock, his, her, or their attorney; and the faith of the United States is hereby pledged for the payment of the interest and for the reimbursement of the principal of the said stock, in conformity with the provisions of the said convention: *Provided, however,* That the Secretary of the Treasury may, with the approbation of the President of the United States, consent to discharge the said stock in four equal annual installments, and also shorten the periods fixed by the convention for its reimbursement: *And provided also,* That every proprietor of the said stock may, until otherwise directed by law, on surrendering his certificate of such stock, receive another to the same amount and bearing an interest of six per centum per annum, payable quarter yearly at the Treasury of the United States.

That the interest accruing on the said stock which may, in conformity with the convention aforesaid, be payable in Europe shall be paid at the rate of four shillings and sixpence sterling for each dollar, if paid in London, and at the rate of two guilders and one-half of a guilder, current money of Holland, for each dollar, if payable in Amsterdam.

That a sum equal to what will be necessary to pay the interest which may accrue on the said stock to the end of the present year, be, and the same is, appropriated for that purpose, to be paid out of the monies in the Treasury not otherwise appropriated.

That from and after the end of the present year (in addition to the annual sum of seven millions three hundred thousand dollars yearly appropriated to the sinking fund by virtue of the act intituled "An act making provision for the redemption of the whole of the public debt of the United States") a further annual sum of seven hundred thousand dollars, to be paid out of the duties on merchandise and tonnage, be, and the same hereby is, yearly appropriated to the said fund, making in the whole an annual sum of eight millions of dollars, which shall be vested in the commissioners of the sinking fund in the same

manner, shall be applied to them for the same purposes, and shall be and continue appropriated until the whole of the present debt of the United States, inclusively of the stock created by virtue of this act, shall be reimbursed and redeemed under the same limitations as have been provided by the first section of the above-mentioned act, respecting the annual appropriation of seven millions three hundred thousand dollars made by the same.

That the Secretary of the Treasury shall cause the said further sum of seven hundred thousand dollars to be paid the commissioners of the sinking fund in the same manner as was directed in the above-mentioned act respecting the annual appropriation of seven million three hundred thousand dollars; and it shall be the duties of the commissioners of the sinking fund to cause to be applied and paid out of the said fund yearly, and every year, at the Treasury of the United States, such sum and sums as may be annually wanted to discharge the annual interest and charges accruing on the stock created by virtue of this act, and the several installments or parts of principal of the said stock, as the same shall become due and may be discharged in conformity to the terms of the convention aforesaid and of this act.

(Annals, 8th Cong., 1st sess., 28, 29; Stat. L., vol 2, p. 245.)

November 1, 1803.

As to making provision for the payment of claims of citizens of the United States on the Government of France, the payment of which has been assumed by the United States, by virtue of the convention of the 30th of April, 1803, between the United States and the French Republic, Mr. Jackson reported the following bill:

Be it enacted, etc., That a sum not exceeding three millions seven hundred and fifty thousand dollars (inclusive of a sum of two millions of dollars, appropriated by the act of February twenty-six, one thousand eight hundred and three, intituled "An act making further provision for the expenses attending the intercourse between the United States and foreign nations"), to be paid out of any monies in the Treasury not otherwise appropriated, be, and the same hereby is appropriated for the purpose of discharging the claims of the citizens of the United States against the Government of France, the payment of which has been assumed by the Government of the United States, by virtue of a convention made the thirtieth day of April, one thousand eight hundred and three, between the United States of America and the French Republic, respecting the said claims.

That the Secretary of the Treasury shall cause to be paid at the Treasury of the United States, in conformity to the convention aforesaid, the amount of such claims above mentioned as, under the provisions of the said convention, shall be rewarded to the respective claimants, which payments shall be made on the orders of the minister plenipotentiary of the United States for the time being, to the French Republic, in conformity with the convention aforesaid, and the said minister shall be charged on the Treasury books with the whole amount of such payments, until he shall have exhibited satisfactory proof to the accounting officers of the Treasury that his orders thus paid have been issued in conformity with the provisions of the said convention.

That the President of the United States be, and he hereby is, author-

ized to borrow, on the credit of the United States, to be applied to the purposes authorized by this act, a sum not exceeding one million seven hundred and fifty thousand dollars, at a rate of interest not exceeding six per centum per annum, reimbursable out of the appropriation made by virtue of the first section of this act, at the pleasure of the United States, or at such period, not exceeding five years from the time of obtaining the loan, as may be stipulated by contract, and it shall be lawful for the bank of the United States to lend the same.

That so much of the duties on merchandise and tonnage as may be necessary be, and the same hereby is, appropriated for the purpose of paying the interest which shall accrue on the said loan.

That for defraying the expense incident to the investigation of the claims above mentioned, there be appropriated a sum not exceeding eighteen thousand five hundred and seventy-five dollars, to be paid out of any monies in the Treasury not otherwise appropriated: *Provided*, That the compensation to be made to any of the commissioners appointed or to be appointed in pursuance of the above-mentioned convention shall not exceed the rate of four thousand four hundred and fifty dollars per annum; that the compensation of their secretary shall not exceed the rate of two thousand two hundred and twenty-five dollars per annum, and that the compensation of the agent shall not exceed the rate of one thousand dollars per annum.

(Annals, 8th Cong., 1st sess., 29; Stat. L., vol. 2, pp. 247, 248.)

November 11, 1803.

As to carrying into effect the seventh article of the treaty of 1794 between the United States and Great Britain, Mr. Adams reported the following bill:

Be it enacted, etc., That a sum not exceeding \$50,000, to be paid out of any moneys in the Treasury not otherwise appropriated, be, and the same hereby is, appropriated for the purpose of carrying into effect the seventh article of the treaty concluded at London on the 19th day of November, seventeen hundred and ninety-four, between the United States and His Britannic Majesty.

That the accounting officers of the Treasury be, and they are hereby, authorized to allow an interest not exceeding the rate of six per centum per annum on one-third part of the amount of any award made in pursuance of the aforesaid article and presented at the Treasury previous to the passing of this act, to be calculated from the time when such award shall have been presented.

(Annals, 8th Cong., 1st sess., 74, 76; Stat. L., vol. 2, p. 248.)

February 24, 1804.

As to what further, if any, proceedings ought to be had by the Senate with reference to the convention between the United States and the King of Spain, Mr. Bradley reported as follows:

Upon a careful examination of the message and documents communicated by the President on the 21st of December your committee notice certain unauthorized acts and doings of individuals, contrary to law and highly prejudicial to the rights and sovereignty of the United States tending to defeat the measures of the Government

thereof, and which in their opinion merit the consideration of the Senate.

They find that on the 15th of November, 1802, and before and subsequent to that day, divers controversies and disputes had arisen between the Governments of the United States and Spain concerning certain seizures and condemnations of the vessels and effects of the citizens of the United States in the ports of Spain, and for which the Government of Spain was deemed responsible, and in the prosecution of which, for indemnification, the minister of the United States near the court of Spain had been instructed to press that Government by friendly negotiations to provide for those wrongs.

Your committee find, while said negotiation was pending, and the said disputes and controversies in no wise settled or adjusted, that Jared Ingersoll, William Rawle, Joseph B. McKean, and P. S. Du Ponceau, of the city of Philadelphia, did, at said Philadelphia, on the same 15th of November, 1802, and Edward Livingston, of the city of New York, did at said New York, on the 3d day of the same November, in violation of the act, entitled "An act for the punishment of certain crimes therein specified," passed the 30th day of January, 1799, commence and carry on a correspondence and intercourse with the said Government of Spain and with the agents thereof, and, as your committee believe, with an intent to influence the measures and conduct of the Government of Spain and to defeat the measures of the Government of the United States, and did then and there counsel, advise, aid, and assist in such correspondence with intent as aforesaid.

Your committee with the knowledge of these facts are compelled to observe that, however there might exist in the Senate a great reluctance to express any opinion in relation to proceedings in the ordinary course of criminal jurisprudence, yet, when they reflect on the nature of the offense, the improbability of the ministers of the law ever coming to the knowledge thereof without the aid of the Executive, and the delicate situation of the Executive in relation to the subject, duty seems to demand and propriety to justify their expressing an opinion in favor of that aid, without which, in their judgment, the justice of the nation would be exposed to suffer.

Your committee have no doubt that precedents may be adduced, and from the best authority, to justify such a measure and warrant the proceedings with safety to the remedial justice of the law, which admits of no rules, or pretended rules, uncorrected and uncontrolled by circumstances, the certain result of which would be the failure of justice.

With these impressions, your committee respectfully offer to the Senate the following resolutions:

Resolved, That the President of the United States be requested to cause to be laid before the Attorney-General all such papers, documents, and evidence as he may deem expedient, and which relate to any unauthorized correspondence and intercourse carried on by Jared Ingersoll, William Rawle, Joseph B. McKean, P. S. Du Ponceau, and Edward Livingston with the Government of Spain, or with the agents thereof, with an intent to influence the measures and conduct of the Government of Spain or to defeat the measures of the Government of the United States in relation to certain disputes and controversies between the said Governments.

Resolved, That if in the opinion of the Attorney-General such papers, documents, and evidence, or such other evidence as may be presumed from any that is *particeps criminis*, shall be deemed sufficient to warrant a prosecution of the aforesaid persons, or either of them, the President of the United States be, and hereby is, requested to instruct the proper law officer to commence a prosecution, at such time and in such manner as he may judge expedient, against Jared Ingersoll,

William Rawle, Joseph B. McKean, P. S. Du Ponceau, and Edward Livingston, or either of them, under the act entitled "An act for the punishment of certain crimes therein specified." And that he be requested to furnish the attorney on the part of the United States, for the purpose of carrying on said prosecution, with such papers, documents, and evidence from the executive department of the Government as he may deem expedient and necessary.

(Ex. Jour., vol. 1, pp. 459, 461, 463, 464, 468; Annals, 8th Cong., 310, 314.)

EIGHTH CONGRESS, SECOND SESSION.

January 14, 1805.

On an act for carrying into more complete effect the tenth article of the treaty of friendship, limits, and navigation with Spain, Mr. Franklin reported as follows:

That whenever any Spanish vessel shall arrive in distress in any port of the United States, having been damaged on the coasts or within the limits of the United States, and her cargo shall have been unladen in conformity with the provisions of the tenth article of the act intituled "An act to regulate the collection of duties on imports and tonnage," the said cargo, or any part thereof, may, if the said ship or vessel should be condemned as not seaworthy or deemed incapable of performing her original voyage, afterwards to be reladen on board any other vessel or vessels, under the inspection of the officer who superintended the landing thereof, or other proper person. And no duties, charges, or fees whatever shall be paid on such part of the cargo as may be reladen and carried away either in the vessel in which it was originally imported or in any other whatever.

That the collector of the district in Norfolk, in Virginia, shall be, and he hereby is, authorized and required to refund the owners and agents of the Spanish brigantine *Nancy* (which vessel arrived in distress in that port in the year one thousand eight hundred and four) the amount of the duties secured by him on such part of her cargo as was re-exported: *Provided*, That the debenture or debentures issued by the said collector for the drawback of the duties on the exportation of the said cargo shall be duly surrendered to him and cancelled.

(Leg. Jour., Vol. 3, pp. 429, 433; Stat. L., Vol. 2, p. 314.)

NINTH CONGRESS, FIRST SESSION.

March 17, 1806.

On the message of the President in regard to the treaty with Tripoli Mr. Bradley made the following report:

The ex-bashaw founds his claim on the justice of the United States, from his services and suffering in their cause, and from his having been deceived and amused with the prospect of being placed on his throne as legitimate sovereign of Tripoli, and frequently drawn from eligible situations for the purpose of being made a dupe and the instrument of policy, and finally sacrificed to misfortune and wretchedness. The committee, from a full investigation of the documents which have been laid before Congress, and with other evidence which has come within their knowledge, are enabled to lay before the Senate a brief

statement of the facts in relation to the ex-bashaw and the result of their deliberation thereon.

This unfortunate prince, by the treason and perfidy of his brother, the reigning bashaw, was driven from his throne, an exile, to the regency of Tunis, where the agents of the United States in the Mediterranean found him, and as early as August, 1801, entered into a convention to cooperate with him, the object of which was to obtain a permanent peace with Tripoli, to place the ex-bashaw on his throne, and to procure indemnification for all expense in accomplishing the same. This agreement was renewed in November following, with encouragement that the United States would persevere until they had effected the object; and in 1802, when the reigning bashaw had made overtures to the ex-bashaw to settle on him the two provinces of Derne and Bengazi, and when the ex-bashaw was on the point of leaving Tunis, under the escort furnished him by the reigning bashaw, the agents of the United States prevailed on him to abandon the offer, with assurance that the United States would effectually cooperate and place him on the throne of Tripoli.

The same engagements were renewed in 1803, and the plan of cooperation so arranged that the ex-bashaw, by his own exertions and force, took possession of the province of Derne; but the American squadron, at that time under the command of Commodore Morris, instead of improving that favorable moment to cooperate with the ex-bashaw, and to put an end to the war, unfortunately abandoned the Barbary coast, and the ex-bashaw was left solely to contend with all the force of the reigning bashaw, and who in consequence was obliged in the fore part of the year 1804 to give up his conquest of Derne and to fly from the fury of the usurper into Egypt. These transactions were, from time to time, not only communicated by our agents to the Government, but were laid before Congress in February, 1804, in the documents accompanying the report of the Committee on Claims on the petition of Mr. Eaton, late consul at Tunis, which committee expressed their decided approbation of his official conduct, and to which report the committee beg leave to refer.

In the full possession of the knowledge of these facts, the Government of the United States in June, 1804, dispatched Commodore Barron, with a squadron, into the Mediterranean, and in his instructions submitted to his entire discretion the subject of availing himself of the cooperation of the ex-bashaw, and referring him to Mr. Eaton as an agent sent out by the Government for the purpose.

After Commodore Barron had arrived at that station in September, 1804, he dispatched Mr. Eaton and Captain Hull into Egypt to find the ex-bashaw, with instructions to assure him that the commodore would take the most effectual measures with the forces under his command to cooperate with him against the usurper, his brother, and to establish him in the regency of Tripoli. After encountering many difficulties and dangers the ex-bashaw was found in upper Egypt with the Mamelukes, and commanding the Arabs. The same assurances were again made to him, and a convention was reduced to writing, the stipulations of which had the same objects in view—the United States to obtain a permanent peace and their prisoners, the ex-bashaw to obtain his throne. Under these impressions, and with the fullest confidence of the assurances he had received from the agents of the United States, and even from Commodore Barron himself, by one of his (the bashaw's) secretaries, whom he had sent to

wait on the commodore for that purpose, he gave up his prospects in Egypt, abandoned his property in that country, constituted Mr. Eaton general and commander in chief of his forces, and with such an army as he was able to raise and support, marched through the Lybian Desert, suffering every hardship incident to such a perilous undertaking, and with his army commanded by General Eaton, aided by O'Bannon and Mann, three American officers, who shared with him the dangers and hardships of the campaign, and whose names their country will forever record with honor, attacked the city of Derne, in the regency of Tripoli, on the 27th day of April, 1805, and, after a well-fought battle, took the same, and for the first time planted the American colors on the ramparts of a Tripolitan port. And in several battles afterwards, one of which he fought without the aid of the Americans (they having been restrained by orders, not warranted by any policy, issued, as appears, by Mr. Lear, the American consul), defeated the army of the usurper with great slaughter, and, without the hazard of a repulse, would have marched to the throne of Tripoli had he been supported by the cooperation of the American squadron, which in honor and good faith he had a right to expect. The committee would here explicitly declare that, in their opinion, no blame ought to attach to Commodore Barron. A wasting sickness and a consequent mental as well as bodily debility had rendered him totally unable to exercise the duties of commanding the squadron previously to this momentous crisis, and from which he has never recovered, and to this cause alone may be attributed the final failure of the plan of cooperation which appears to have been wisely concerted by the Government and hitherto bravely executed by its officers.

But, however unpleasant the task, the committee are compelled, by the obligations of truth and duty, to state further that Mr. Lear, to whom was intrusted the power of negotiating the peace, appears to have gained a complete ascendancy over the commodore, thus debilitated by sickness, or rather, having assumed command in the name of the commodore, to have dictated every measure; to have paralyzed every military operation by land and sea, and finally, without displaying the fleet or squadron before Tripoli, without consulting either the safety of the ex-bashaw or his army, against the opinion of all the officers of the fleet, so far as the committee have been able to obtain the same, and of Commodore Rodgers (as appears from Mr. Lear's letter to the Secretary of State, dated Syracuse Harbor, July 5, 1805), to have entered into a convention with the reigning bashaw, by which, contrary to his instructions, he stipulated to pay him \$60,000, to abandon the ex-bashaw, and to withdraw all aid and assistance from his army. Although a stipulation was made that the wife and children of the ex-bashaw should be delivered to him on his withdrawing from the territories of Tripoli, yet that stipulation has not been carried into execution, and it is highly probable was never intended to be. The committee forbear to make any comment whatever on the impropriety of the orders issued to General Eaton to evacuate Derne five days previous to Mr. Lear's sailing from Malta to Tripoli to enter on his negotiation, and the honor of the nation forbids any remarks on the unworthy attempt to compel the ex-bashaw and General Eaton to give up and abandon their conquest, by withholding supplies from the army at Derne, eight days previous to the commencement of the negotiation; nor will the committee condescend to enter into a consideration of the pretended reasons assigned by Mr.

Lear to palliate his management of the negotiations, such as the danger of the American prisoners in Tripoli, the unfitness of the ships for service, and the want of means to prosecute the war. They appear to the committee to have no foundation in fact, and are used rather as a veil to cover an inglorious deed than solid reasons to justify the negotiator's conduct. The committee are free to say that, in their opinion, it was the power of the United States, with the force then employed and a small portion of the \$60,000 thus improperly expended, to have placed Hamet Caramalli, the rightful sovereign of Tripoli, on his throne; to have obtained their prisoners in perfect safety, without the payment of a cent, with assurances, and probable certainty, of eventual remuneration for all expenses, and to have established peace with the Barbary powers, that would have been secure and permanent, and which would have dignified the name and character of the American people.

Whatever Hamet, the ex-bashaw, may have said in his letter of June 29, 1805, to palliate the conduct which first abandoned and then ruined him, the Senate can not fail to discern that he was then at Syracuse, in a country of strangers to his merits and hostile to his nation and religion, and where every circumstance conspired to depress him, which, together with the fear of starving, left him scarcely a moral agent.

Upon these facts and to carry into effect the principle of duty arising out of them, the only remuneration now left in the power of the United States to make, the committee herewith present a bill for the consideration of the Senate. The committee are confident that the legislature of a free and Christian country can not leave it in the power of a Mohamedan to say that they violate their faith, or withhold the operations of justice from one who has fallen a victim to his unbounded confidence in their integrity and honor.

(Ex. Jour., vol. 2, pp. 4, 9, 15; Annals, 9th Cong., 1st sess., 185.)

April 19, 1806.

On the message transmitting correspondence between the ambassador of Tunis and the Secretary of State Mr. Baldwin reported as follows:

Resolved, That the communications accompanying the message of the President of the United States, of the eighteenth instant, be returned to him, and that he be requested to renew negotiations with the envoy of the bey of Tunis, and endeavor, by amicable adjustment, to settle differences which are stated to exist between that regency and the United States, and to redress the injuries and aggressions which the bey complains of having received from the squadron and agents of the United States in the Mediterranean, contrary, as he says, to the express provisions of the treaty, more than nine years subsisting between us, so far as he may deem it conformable to justice and the common usage of civilized nations in their intercourse with the Barbary powers, or the honor and interest of the United States may require.

(Ex. Jour., vol. 2, pp. 34; Annals, 9th Cong., 1st sess., 245-247.)

THIRTEENTH CONGRESS. FIRST SESSION.

July 27, 1813.

Mr. King, from the Committee on Foreign Relations, made the following report:

Your committee, to whom was referred the several motions with reference to the executive proceedings of the Senate in regard to the proposed treaty of peace with Great Britain under the mediation of the Emperor of Russia, and the nominations of Albert Gallatin, John Quincy Adams, and James A. Bayard as ministers plenipotentiary to negotiate such treaty, together with other executive proceedings of the Senate, beg leave to report, and to recommend the adoption of, the following resolutions:

Resolved, That the journal of the executive proceedings of the Senate be, from time to time, published, excepting such parts thereof as may have been ordered by the Senate to be kept secret.

Resolved, That the messages of the President of the United States, and the proceedings of the Senate, concerning the nominations of Jonathan Russell as minister plenipotentiary to the Court of Sweden, and of Albert Gallatin, John Quincy Adams, and James A. Bayard as envoys extraordinary and ministers plenipotentiary to negotiate and sign a treaty of peace with Great Britain under the mediation of the Emperor of Russia, to negotiate and sign a treaty of commerce with Great Britain, and to negotiate and sign a treaty of commerce with Russia, be published.

THIRTEENTH CONGRESS, THIRD SESSION.

February 23, 1815.

On the message of the President transmitting copies of correspondence at Ghent, Mr. Bibb reported as follows:

That it is inexpedient to print the said documents, or any part of them, and that they ought to be kept secret.

(Ex. Jour., vol. 2, p. 621.)

FOURTEENTH CONGRESS, FIRST SESSION.

December 15, 1815.

On the commercial convention between Great Britain and the United States, Mr. Bibb reported as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate do advise and consent to the ratification of the convention to regulate the commerce between the territories of the United States and of His Britannic Majesty, concluded at London, on the third day of July, one thousand eight hundred and fifteen; subject to the exception contained in the letter and declaration of Anthony St. John Baker, His Britannic Majesty's chargé d'affaires, dated the twenty-fourth day of November, one thousand eight hundred and fifteen.

(Ex. Jour., vol. 3, p. 6.)

January 9, 1816.

On an act concerning the convention to regulate the commerce between the territories of the United States and His Britannic Majesty, Mr. Bibb reported as follows:

Be it enacted and declared by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of any act as imposes a higher duty of tonnage, or of impost on vessels and articles imported in vessels of Great Britain, than on vessels and articles imported in vessels of the United States, contrary to the provisions of the convention between the United States and His Britannic Majesty, the ratifications whereof were mutually exchanged the twenty-second day of December, one thousand eight hundred and fifteen, be, from and after the date of the ratification of the said convention, and during the continuance thereof, deemed and taken to be of no force or effect.

Approved, March 16, 1816.

(Senate Jour., pp. 32, 57, 258; Annals 14th Cong., 1st sess., 36; Stat. L., vol. 3, p. 255.)

February 15, 1816.

On the resolution of Mr. King, recommending to the President that he further pursue negotiations for additional treaty with Great Britain, Mr. Bibb reported as follows:

The Committee on Foreign Relations, to whom was referred the consideration of the following propositions—

1. Of opening and establishing on a satisfactory footing the navigation, trade, and intercourse between the United States and His Majesty's colonies in the West Indies, and on the continent of America.

2. Of reopening to the United States the navigation of the River St. Lawrence, between the northern boundary and the city of Quebec; of opening to them the navigation of that river between Quebec and the ocean; and obtaining for the trade of the United States in that quarter, by the grant of a suitable equivalent, place of deposit on either bank of the St. Lawrence, within the province of Lower Canada.

3. Of abolishing the duties imposed on goods and merchandise exported from His Majesty's European dominions to the United States, or of reserving to them a right to countervail the same by other and adequate duties, and of placing the vessels of both parties on the same footing in respect to the amount of drawbacks.

4. Of agreeing on and establishing adequate stipulations for the protection of American seamen from British impressment.

5. Of defining the cases which shall alone be deemed lawful blockades.

6. Of enumerating the articles which shall alone be deemed contraband of war.

7. Of providing suitable regulations for the prosecution of neutral trade with the colonies of the enemies of either party.

8. Of protecting the vessels and merchandise of each from loss or damage by reason of the retaliatory decrees of either against a third power—

Submit the following report:

The view which the committee have taken of the subject renders an

examination of the propositions, in detail, unnecessary. They have confined their inquiries to the considerations—

1. Whether there be any circumstances which call for the proposed advice; and

2. Whether there be not serious objections to the interference of the Senate in the direction of foreign negotiations.

In relation to the first branch of inquiry it is deemed important to ascertain whether the Executive has duly attended to the objects comprised in the resolutions; and whether the advice of the Senate will furnish aid to his future exertions.

By recurring to documents in possession of the Senate it will be seen that the most unremitted efforts have been employed to obtain satisfactory arrangements upon the points concerning which the advice is proposed. The committee need not refer to the volumes of instructions and correspondence which have been published. They will advert only to the late negotiations at Ghent and London. The attention of the Executive appears to have been directed in those negotiations to two objects—peace and commerce; and authority was given to our ministers to form a treaty for each. By the letter of April 15, 1813, they were instructed to provide against impressment and illegal blockades; to restrict contraband of war to its just limits; to remove restraints on our commerce with the enemy's colonies; to prohibit the seizure of our vessels returning from an enemy's port laden with innocent articles, on the pretext of their having carried contraband of war, or on their passage from one port to another, or from the port of one independent nation to that of another; to exempt our merchant vessels from the necessity of sending their boats with men and papers aboard a British ship of war for the purpose of search. This instruction provides in explicit terms for Nos. 4, 5, 6, and 7 of the resolutions, and by obvious inference for No. 8; for if neutral rights are defined and secured in the instances above specified, the injury suggested in that number could never occur.

The letter of April 27, 1813, which, with other documents, accompanies this report, and which authorized the negotiation of a treaty of commerce in the event of concluding a treaty of peace, directs the attention of our ministers to all the objects of the motion. They are instructed by it to endeavor to open to our commerce every part of the British dominions on a footing of reciprocity and equality, and are referred, in aid of their own experience and knowledge of the subject, to the light to be derived from the treaty of 1794 and its effect on the general commerce of the country; to the instructions given to Messrs. Monroe and Pinckney, of April 17, 1806; to the project of a treaty signed by them on the 31st of December of the same year, and to the subsequent remarks and instructions of the Executive respecting it. By this instruction every subject which could be considered a proper object of arrangement between the United States and Great Britain was committed to the American ministers and all the light which the labor and talent of preceding times had afforded was communicated as their guide.

The correspondence between the ministers of the United States and those of Great Britain at Ghent and London and the communications of the former to the Department of State furnish satisfactory evidence that no effort which belonged to either negotiation was neglected and that the failure to arrange the subjects embraced by the resolutions was owing to the manifest indisposition of the British plenipotentiaries to concur in any satisfactory stipulations concerning them. If, there-

fore, the committee are correct in stating that the resolution communicates no information not already known to the President and that he has been faithful in the discharge of his duty, a sufficient pledge is afforded that his exertions will be continued for the future; and this pledge is strengthened by the sentiment expressed in his communication to Congress at the commencement of the present session.

Whether this be the proper moment for renewing negotiations upon the points presented by the resolution or whether the British Government is now more disposed to arrange them on just and equal conditions than it was in the negotiation lately terminated at London are questions which the committee have not the information necessary to determine, but if any evidence of such a disposition should appear it can not reasonably be doubted that the Executive will seize all the advantages it may disclose.

Is it probable that the proposed advice will aid his exertions? It can not be presumed that he entertains any doubt concerning the opinion of the Senate with respect to the interests comprised in the motion, and that the committee do not perceive how the expression of solicitude on the part of the Senate in relation to the objects about which no difference of opinion exists can afford any aid whatever. Every nation in making contracts is supposed to consult its own interests; and it is believed the history of the world does not furnish an example of one party yielding its pretensions in consequence of the disclosure of unusual solicitude by the other party. Should, therefore, the proposed advice be adopted and made public, it does not appear that any beneficial effect would be produced; and if it be kept secret, as is usual in executive business (supposing it to be given by the Senate as a branch of the executive), it would be wholly nugatory.

2. The committee having endeavored to show that the resolution is unnecessary, they proceed to submit some positive objections to its adoption.

If it be true that the success of negotiations is greatly influenced by time and accidental circumstances, the importance to the negotiative authority of acquiring regular and secret intelligence can not be doubted. The Senate does not possess the means of acquiring such intelligence. It does not manage the correspondence with our ministers abroad nor with foreign ministers here. It must therefore, in general, be deficient in the information most essential to a correct decision.

The President is the constitutional representative of the United States with regard to foreign nations. He manages our concerns with foreign nations and must necessarily be most competent to determine when, how, and upon what subjects negotiation may be urged with the greatest prospect of success. For his conduct he is responsible to the Constitution. The committee consider this responsibility the surest pledge for the faithful discharge of his duty. They think the interference of the Senate in the direction of foreign negotiations calculated to diminish that responsibility and thereby to impair the best security for the national safety. The nature of transactions with foreign nations, moreover, requires caution and unity of design, and their success frequently depends on secrecy and dispatch. A division of opinion between the members of the Senate in debate on propositions to advise the Executive, or between the Senate and Executive, could not fail to give the nation with whom we might be disposed to treat the most decided advantages. It may also be added that if any benefits be derived from the division of the legislature into two bodies, the

more separate and distinct in practice the negotiating and treaty ratifying power are kept, the more safe the national interests.

The committee are therefore of the opinion that the resolution ought not to be adopted.

(Ex. Jour., vol. 3, pp. 8, 9, 30.)

February 27, 1816.

Mr. King, from Committee on Foreign Relations, on conference on "An act to regulate the commerce between the United States and the territories of His Britannic Majesty, according to the convention of the third day of July, eighteen hundred and fifteen, and the ratifications of which were exchanged on the twenty-second day of December, eighteen hundred and fifteen," reported as follows:

The conferees of the House of Representatives commenced the conference by stating that of the treaties made in pursuance of the Constitution, while some might not, others require the enactment of laws to carry them into execution; and considering the convention with England as a treaty of the latter kind, the conferees of the House of Representatives made the following objections to the bill passed by the Senate:

1. That by the addition of the word "declared" to the usual formula, instead of a bill of positive enactment, it assumes the form of a declaratory law.

2. That the bill is defective because its commencement is uncertain.

3. That it is defective because its duration is uncertain.

4. That it is furthermore defective in respect to the equalization of duties, it being uncertain whether for this purpose the native duties are to be raised or the alien duties abolished.

The conferees of the Senate do not contest, but admitted the doctrine that of treaties made in pursuance of the Constitution some may not and that others may call for legislative provisions to secure their execution, which provision Congress, in all such cases, is bound to make. But they did contend that the convention under consideration requires no such legislative provisions, because it does no more than suspend the alien disability of British subjects in commercial affairs in return for the like suspension in favor of American citizens; that such matter of alien disability falls within the peculiar province of the treaty power to adjust; that it can not be securely adjusted in any other way, and that a treaty duly made and adjusting the same is conclusive, and by its own authority suspends or removes antecedent laws that are contrary to its provisions.

That even a declaratory law to this effect is matter of mere expediency, adding nothing to the efficacy of the treaty, and serving only to remove doubts wherever they exist.

The conferees of the Senate thereupon insisted on retaining the word "declared" in addition to the usual formula of enactment, because it imparts to the bill passed by the Senate the character of a declaratory law, a quality without which any law would, in this case, be inadmissible.

A law that declares to be of no force or effect so much of the laws as are contrary to the provisions of the convention recognizes the existence and authority of that convention; the date and limitations of which must ascertain the commencement and duration of the law, while its stipulations place the people of the two nations on a footing

of commercial equality by the abolition of discriminating duties on both sides.

Thus the bill passed by the Senate does not appear to be defective in the particulars referred to by the conferees of the House of Representatives; nevertheless, as doubts were expressed on this subject, the conferees of the Senate proposed certain amendments for the purpose of removing these doubts and confirming the intentions and meaning of the bill.

The conferees of the Senate, therefore, recommend to the Senate, to insist on their disagreement to the amendments made to the bill by the House of Representatives, and to agree to the following amendments to the bill, which have been mutually agreed to by the conferees of both Houses:

Line 2, after the word "act," strike out the words "or acts as are," and insert these words: *as imposes a higher duty or tonnage or of impost on vessels and articles imported in vessels of Great Britain than on vessels and articles imported in vessels of the United States.*

Line 4: Strike out the word "shall," and after the word "be" insert these words: *from and after the date of the ratification of the said convention, and during the continuance thereof.*

Whereupon,

Resolved, That the Senate concur in the report, and that the bill be amended accordingly.

(Annals, 14th Cong., 1st sess., pp. 161-162.)

FOURTEENTH CONGRESS, SECOND SESSION.

January 3, 1817.

Mr. Barbour made the following report:

The Committee on Foreign Relations, to whom was referred the treaty lately negotiated between the plenipotentiary of the United States and the plenipotentiaries of the King of Sweden and Norway, beg leave to recommend to the Senate the propriety of printing the following documents under an injunction of secrecy, viz, the treaty both in French and English (the original being in the former language); also the letter from our minister, Mr. Russell, of the 5th of September, 1816, addressed to the Secretary of State, with the documents referred to in that letter.

(Ex. Jour., vol. 3, p. 68.)

January 10, 1817.

Mr. Barbour made the following report:

The Committee on Foreign Relations, to whom were referred the documents accompanying the several Indian treaties transmitted to the Senate by the President of the United States on the 10th instant, beg leave to report that it would be proper to publish the instructions of the Secretary of War to the commissioners appointed to negotiate the treaties, with the exception of such parts as are underscored.

(Ex. Jour., vol. 3, p. 69.)

FIFTEENTH CONGRESS, FIRST SESSION.

April 13, 1818.

On the message of the President as to naval armament on lakes, Mr. Barbour reported as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate do approve of, and consent to, the arrangement made in April, eighteen hundred and seventeen, between the United States and His Britannic Majesty relative to the naval force of the respective nations to be maintained on the lakes, and recommend that the same be carried into effect by the President of the United States.

(Ex. Jour., vol. 3, p. 132.)

FIFTEENTH CONGRESS, SECOND SESSION.

February 19, 1819.

On the documents accompanying convention with Great Britain as relates to colonial trade, Mr. Macon reported as follows:

That the object of the negotiation with Great Britain respecting the colonial trade is the establishment of a regulation whereby a trade in articles of the produce and manufacture of the United States and of the British colonies may be carried on between them; and, secondly, a regulation whereby the shipping of the two countries may be placed on an equal footing in the carrying on of this trade.

In respect to the articles of the trade, the United States would agree that all articles of the produce and manufacture of the United States and of the respective colonies should be included, and all other articles excluded. But as Great Britain probably would not consent to this arrangement, the United States would not object to the catalogue of articles of the produce and manufacture of the United States and of the said colonies enumerated in the British acts of Parliament, and according to which the trade has heretofore been carried on in British bottoms.

As respects duties and charges, they should be placed on a footing of reciprocal equality. If Great Britain would consent to impose no higher or other duties on articles of the produce and manufacture of the United States imported into the colonies than upon the like articles imported from her continental colonies (whence only they can be obtained), the United States might agree to impose no greater or other duties and charges on articles the produce and manufacture of her colonies than on the like articles from other countries. To this adjustment Great Britain will probably disagree. In lieu thereof, and as a compensation for the stipulation not to impose greater or other duties on the colonial articles of Great Britain than on the like articles of other countries, it might be stipulated on the part of Great Britain that the duties and charges on articles of the produce and manufacture of the United States should not exceed more than ——— per cent those which should be imposed on the like articles imported from the British continental colonies.

In no event should articles of the produce and manufacture of the

United States pay higher duties and charges in the direct voyage from the United States than in the indirect or circuitous voyage through New Brunswick, Nova Scotia, Bermúdas, or other intermediate ports; and as the direct trade should not be more restrained in respect to the articles thereof than the indirect or circuitous trade, no article should be allowed to go or come indirectly or circuitously which might go or come directly.

There is nothing in principle or policy that forbids the confining of this trade to articles of the produce or manufacture of the respective countries—that is, of the United States and of the British colonies. Articles of the produce and manufacture of other portions of the British territories coming through these colonies being excluded from the United States as articles not of the produce and manufacture of the United States are excluded from Great Britain, and would be excluded from the British colonies.

As respects the shipping employed in this trade, it must be placed on a footing of practical and reciprocal equality, both as respects duties and charges and the equal participation of the trade. "On this adjustment even there will exist an advantage in favor of the English navigation, as it will be exclusively employed in the transportation of articles of the produce and manufacture of the United States between the intermediate colonies aforesaid and the West India colonies, and likewise, in a disproportioned degree, in the distribution of these articles among the British West India colonies.

Furthermore, as the voyage from the United States to New Brunswick, Nova Scotia, and Bermuda is a short one, and would yield but little profit, the duties and charges must be as great on the British ships, and the articles of the produce and manufacture of the United States composing their cargoes, arriving in the British West Indies through these intermediate colonies, as on the same ships and articles arriving directly from the United States; otherwise the direct trade will be deserted in favor of the circuitous trade, and thereby the object of the arrangement, an equality in the employment of the shipping of the two countries, will be defeated. So far as the operation of the late navigation law is understood it seems to have been advantageous, and especially in the increase of the American shipping engaged in the direct trade between the United States and Great Britain, and the corresponding decrease of that of Great Britain; but sufficient time has not yet been afforded satisfactorily to ascertain this point, nor to determine other questions that are in a course of solution.

Perhaps it would be prudent to allow time for this important experiment; and to suffer the negotiation of this subject to remain where it is for the present, it ought not to be forgotten that, without cutting off the trade with New Brunswick, Nova Scotia, and Bermuda, this experiment can not be fairly made. Whether it would be expedient at the present session to adopt this measure is perhaps doubtful.

If the effect of our navigation law, reenforced according to the above suggestion, should prove to be such as it not improbably will be, it might and probably would be our true footing to adhere to the law and decline any convention with Great Britain touching the colony trade.

(Ex. Jour., vol. 3, pp. 175, 176; Am. St. Pap., vol. 5, p. 12; Annals 15th Cong., 2d sess., 250.)

SIXTEENTH CONGRESS, SECOND SESSION.

February 15, 1821.

On the treaty with Spain, Mr. Barbour reported as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate, having examined the treaty of amity, settlement, and limits between the United States of America and His Catholic Majesty, made and concluded on the twenty-second day of February, eighteen hundred and nineteen, and seen and considered the ratification thereof made by his said Catholic Majesty on the twenty-fourth day of October, eighteen hundred and twenty, do consent to and advise the President to ratify the same.

(Leg. Jour., p. 22; Annals 16th Cong., 2d sess., 20, 1469; Ex. Jour., vol. 3, p. 243.)

EIGHTEENTH CONGRESS, SECOND SESSION.

January 22, 1823.

On the commercial convention with France, Mr. Barbour reported as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate do advise and consent to the ratification of the convention of navigation and commerce, and the first separate article attached thereto, made and concluded between the United States and the King of France and Navarre on the twenty-fourth day of June, eighteen hundred and twenty-two, at the city of Washington.

Resolved (two-thirds of the Senators present concurring therein), That the Senate do advise and consent to the second separate article attached to a convention of navigation and commerce made and concluded between the United States and the King of France and Navarre on the twenty-fourth day of June, eighteen hundred and twenty-two, at the city of Washington.

(Ex. Jour., vol. 3, pp. 326, 329, 330.)

NINETEENTH CONGRESS, SECOND SESSION.

February 22, 1827.

On the treaty with Mexico, Mr. Sanford reported as follows:

Resolved (two-thirds of the Senators present concurring), That the Senate do not advise and consent to the ratification of the first additional article of the treaty between the United States and the United Mexican States, concluded at the City of Mexico on the tenth day of July, eighteen hundred and twenty-six.

2. *Resolved (two-thirds of the Senators present concurring),* That the Senate advise and consent to the ratification of the third article of the said treaty, upon condition that the word "inhabitants," being the second word of the said third article, be expunged, and the word *citizens* be inserted instead thereof.

3. *Resolved (two-thirds of the Senators present concurring),* That the Senate advise and consent to the ratification of the sixteenth and seventeenth articles of the said treaty, upon condition that the six-

teenth article be amended by adding to the end of the said sixteenth article the following words: *Provided, however, and it is hereby agreed, That the stipulations in this article contained declaring that the flag shall cover the property shall be understood as applying to those powers only who recognize this principle; but if either of the two contracting parties shall be at war with a third and the other neutral, the flag of the neutral shall cover the property of the enemies whose governments acknowledge this principle, and not of others; and without this amendment to the said sixteenth article the Senate do not advise and consent to the ratification of the sixteenth and seventeenth articles of the said treaty.*

4. *Resolved (two-thirds of the Senators present concurring), That the advice and consent of the Senate to the ratification of the said treaty and the several parts thereof, as hereinbefore particularly modified and stated, be, and they are hereby, given upon condition that the said treaty, which by the first clause of the thirty-fifth article thereof is to be in force for the term of twelve years, shall remain in force for the term of six years and no longer, to be computed from the day of the exchange of the ratifications.*

5. *Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of all the articles of the said treaty, excepting those articles and parts of the said treaty which are hereinbefore particularly rejected or modified.*

(Ex. Jour., vol. 3, pp. 569, 570.)

TWENTY-FIRST CONGRESS, SPECIAL SESSION.

March 9, 1829.

On the treaty with Prussia Mr. Tazewell reported as follows:

Resolved, That the Senate having reexamined the treaty of commerce and navigation concluded at Washington on the first day of May, eighteen hundred and twenty-eight, between the United States and the King of Prussia, do consent thereto, and advise the President of the United States to proceed to the exchange of the ratifications of the same, notwithstanding the expiration of the time stipulated for the exchange by the terms of the treaty.

(Ex. Jour., vol. 4, pp. 4, 9.)

TWENTY-FIRST CONGRESS, SECOND SESSION.

December 28, 1830.

Mr. Tazewell made the following report:

The Committee on Foreign Relations, to whom was referred the President's message of the 9th of December, transmitting a treaty with the Ottoman Porte; and to whom was also referred the President's message of the 20th of December, transmitting certain papers requested by a resolution of the Senate, relating to the negotiation of the said treaty, having had the same under consideration, submit the following resolutions for the consideration of the Senate:

Resolved, That the Senate advise the President of the United States

to ratify, and on their part consent to the ratification of, the treaty concluded between the said United States and the Ottoman Porte on the seventh day of May, eighteen hundred and thirty: *Provided*, That at the exchange of the ratifications of this treaty between the two high contracting parties the President cause the Ottoman Porte to be distinctly and explicitly informed that, according to our construction of the seventh article of the said treaty, the merchant vessels of the United States will be permitted to pass into and return from the Black Sea, either in ballast or laden with any kind of cargo permitted to the merchant vessels of the most favored nations, whether the same may consist of articles of the growth, produce, or manufacture of the United States or of the Ottoman Empire, or of any other country whatsoever: *And provided also*, That at the same time he cause the Ottoman Porte to be distinctly and explicitly informed that, according to the Constitution and laws of the United States, the Government thereof possesses no authority to compel their citizens to enter into any contract, either with their own Government or any foreign power whatever, or to prescribe the terms upon which such contract, when voluntarily entered into by the citizens of the United States, shall be concluded by them.

Resolved, also, That the Senate advise the President of the United States to exchange, and on their part consent that the ratifications of the said treaty may be exchanged at any time hereafter within ——— months, notwithstanding the period limited for the exchange of the said ratifications may have expired before the same can be effected in conformity with the present provisions of the said treaty.

(Ex. Jour., vol. 4, p. 139.)

February 2, 1831.

On the treaty with Austria, Mr. Tazewell reported as follows:

Resolved, That the Senate do advise and consent that the President of the United States be authorized to exchange the ratifications of the treaty of commerce and navigation with Austria concluded at Washington on the twenty-seventh of August, eighteen hundred and twenty-nine, notwithstanding the expiration of the time designated in said treaty for the exchange of the ratifications thereof.

(Ex. Jour., vol. 4, pp. 150, 151.)

TWENTY-SECOND CONGRESS, FIRST SESSION.

April 4, 1832.

On the treaty with Mexico, Mr. Tazewell reported as follows:

Resolved, That the Senate do advise and consent to the ratification of the treaty between the United States of America and the United Mexican States concluded at Mexico the twelfth day of January, one thousand eight hundred and twenty-eight, together with the additional articles thereto, concluded at Mexico the fifth day of April, one thousand eight hundred and thirty-one.

(Ex. Jour., vol. 4, p. 237.)

TWENTY-FOURTH CONGRESS, FIRST SESSION.

June 4, 1836.

On conference on "Act to carry into effect a convention between the United States and Spain," Mr. Clay made the following report:

That they have agreed to recommend to the Senate and to the House of Representatives to adopt the following modifications of the bill as it passed the House:

1. To provide for the appointment of one commissioner instead of the three, as proposed in the bill as it passed the House, and instead of the Attorney-General, as proposed by the amendment to that bill, which was adopted by the Senate.

2. To fix the salary of the commissioner at thirty-five hundred dollars instead of three thousand.

3. To limit the period for the execution of the commission to one year instead of eighteen months, as was proposed in the bill; and

4. To leave the appointment of the secretary and clerk attached to the commission to the President, by and with the advice and consent of the Senate, as proposed in the bill of the House.

(Leg. Jour., 24th Cong., 1st sess., p. 405.)

TWENTY-FIFTH CONGRESS, THIRD SESSION.

February 28, 1839.

Mr. Buchanan made the following report:

The Committee on Foreign Relations, to which was referred the message of the President of the United States of the 26th and the 27th instant, and the accompanying documents, in relation to the existing difficulties on the northeastern frontier of the United States, report the following resolutions and recommend their adoption by the Senate:

Resolved, That the Senate can discover no trace throughout the long correspondence which has been submitted to them between the Governments of Great Britain and the United States of any understanding, express or implied, much less of any "explicit agreement," such as is now alleged, that the territory in dispute between them on the northeastern boundary of the latter shall be placed and remain under the exclusive jurisdiction of Her Britannic Majesty's Government until the settlement of the question. On the contrary, it appears that there was and is a clear subsisting understanding between the parties under which they have both acted; that until this question shall be finally determined each of them shall refrain from the exercise of jurisdiction over any portion of the disputed territory except such parts of it as may have been in the actual possession of the one or the other party.

Resolved, That whilst the United States are bound in good faith to comply with this understanding during the pendency of negotiations, the Senate can not perceive that the State of Maine has violated the spirit of it by merely sending, under the authority of the legislature, her land agent, with a sufficient force, into the disputed territory for the sole purpose of expelling lawless trespassers engaged in impairing the value by cutting down the timber, both parties having a common right and being bound by a common duty to expel such intruders from a territory to which each claims title, taking care, however, to

retire within their acknowledged limits when this single object shall have been accomplished.

Resolved, That should Her Britannic Majesty's Government, in violation of the clear understanding between the parties, persist in carrying its avowed determination into execution and attempt by military force to assume exclusive jurisdiction over the disputed territory, all of which they firmly believe rightfully belongs to the State of Maine, the exigency, in the opinion of the Senate, will then have occurred rendering it the imperative duty of the President, under the Constitution and the laws, to call forth the militia and employ the military force of the United States for the purpose of repelling such an invasion. And in this the Senate will cordially cooperate with and sustain the President in defending the rights of the country.

Resolved, That should the British authorities refrain from attempting a military occupation of the territory in dispute and from enforcing their claim to exclusive jurisdiction over it by arms, that then, in the opinion of the Senate, the State of Maine ought, on her part, to pursue a course of similar forbearance. And should she refuse to do so and determine to settle the controversy for herself by force, the adjustment of which is intrusted under the Constitution to the Federal Government, in such an event there will be no obligation imposed on that Government to sustain her by military aid.

March 2, 1839.

On the extension of time for ratification of treaty for the adjustment of claims of citizens of the United States against Mexico, Mr. Buchanan reported as follows:

Whereas the time limited by the twelfth article of the convention for the adjustment of claims of citizens of the United States of America upon the Government of the Mexican Republic, concluded at the city of Washington on the tenth day of September, eighteen hundred and thirty-eight, has expired before an exchange of ratifications has taken place, as provided for by the said article: Be it therefore

Resolved, That the Senate do advise and consent to the exchange of ratifications of the convention aforesaid, at any time prior to the tenth day of December next, whenever the same shall be offered by the Mexican Government; and the said ratifications shall be deemed and taken to have been regularly exchanged, the limitation contained in said convention to the contrary notwithstanding.

(Ex. Jour., vol. 5, p. 220.)

TWENTY-SEVENTH CONGRESS, SECOND SESSION.

January 5, 1843.

On the treaty with Peru, Mr. Archer reported as follows:

Whereas the time limited by the seventh article of the treaty between the United States of America and the Republic of Peru, concluded at the city of Lima on the seventeenth of March, in the year of our Lord one thousand eight hundred and forty-one, may expire before an exchange of the ratifications shall take place: Be it therefore

Resolved, That the Senate do advise and consent to the exchange of ratifications of the treaty aforesaid at any time prior to the twentieth of December next, whenever the same can be effected, and the said ratification, when made, shall be deemed and taken to have been regularly exchanged, the limitation in said treaty to the contrary notwithstanding.

(Ex. Jour., vol. 6, p. 162.)

January 5, 1843.

On the treaty with Texas, Mr. Archer reported as follows:

Resolved, That the Senate do advise and consent to the ratification of the treaty of amity, commerce, and navigation between the United States of America and the Republic of Texas, concluded at Washington on the thirtieth day of July, in the year of our Lord eighteen hundred and forty-two, with the following amendment:

Strike out the fourth and fifth articles, in the following words:

“ARTICLE IV.

“The two contracting parties agree that the Sabine from its source to the sea, the Red River, and all rivers having their source or origin in the territory of Texas, running in part of their course through that territory, or forming the boundary between Texas and the United States, and emptying into the river Mississippi, and the Mississippi itself, from and including the mouth or mouths of said rivers to the sea shall be free to be navigated and common to both nations, and that no duty shall be levied or collected upon any articles the growth, produce, or manufacture of Texas originally transported down the above-named rivers or transported for the purpose of descent and exportation to any ports or places situated thereon: *Provided, however*, That it shall be lawful for the President of the United States to establish such rules and regulations as may be necessary for the proper observance within the United States of the stipulations contained in this and the next succeeding article.

“ARTICLE V.

“The two contracting parties agree that on all articles the growth, produce, or manufacture of either country, sent from one country to the other by land, river, or sea, exported to a foreign country, no duties or charges shall be required to be paid to the power within and from out of whose limits such articles shall arrive and depart; that they may be repacked for exportation, under the inspection of the proper authorities, and at the expense of the party interested, and that raw cotton the produce of either country, may be imported into the other free of duty for five years from the exchange of the ratifications of this treaty.”

(Ex. Jour., vol. 6, pp. 162, 188.)

TWENTY-EIGHTH CONGRESS, FIRST SESSION.

January 16, 1844.

On the convention with Mexico for the settlement of claims, Mr. Archer reported as follows:

Resolved, That the United States do advise and consent to the

ratification of the convention for the settlement of the claims of the citizens and Government of the Mexican Republic against the Government of the United States, and of the citizens and Government of the United States against the Government of the Mexican Republic, concluded at the city of Mexico on the twentieth day of November, in the year of our Lord eighteen hundred and forty-three, with the following amendments:

Article 4, line 2, strike out the word "Mexico" and insert *Washington*.

Article 7, line 22, strike out the word "Mexico" and insert *Washington*.

Article 16, strike out the whole thereof, in the following words:

"ARTICLE 16.

"Whereas the high contracting parties to this convention desire to remove all causes of complaint between the two countries, and therefore to provide for the adjustment of all claims which the two Governments may have against each other, of a pecuniary character, shall be presented to the Government against which such claim is made; and if reparation is not made within six months the same shall be immediately referred to the arbiter provided for in the seventh article of this convention, and who is to decide, in case of difference, the claims of the citizens of the two countries. His decision in these cases shall be final and conclusive, and all such cases shall be decided within one year after they are submitted to him, and according to the principles hereinbefore expressed. And all such cases as involve the good name and national honor of either of the two countries shall be treated diplomatically, and in the manner usual among nations in the settlement of questions of international rights; and more especially it is understood that it is not intended to submit to the aforesaid umpire the question of boundaries between the two countries, which shall be arranged according to the stipulations of existing treaties between the two countries."

Article 17, line 3, strike out the word "three" and insert *six*.

(Ex. Jour., vol. 6, pp. 211, 228.)

June 12, 1844.

On the extradition treaty with France, Mr. Archer reported as follows:

Resolved, That the Senate do advise and consent to the ratification of an additional article to the convention for the surrender of criminals between the United States of America and His Majesty the King of the French, concluded at Washington the fifteenth of April, eighteen hundred and forty-four, with the following amendments:

Strike out the words "the crimes of robbery and burglary," and insert:

The crime of robbery, defining the same to be the felonious and forcible taking from the person of another of goods or money to any value, by violating or putting him in fear; and the crime of burglary, defining the same to be breaking and entering by night into a mansion house of another with the intent to commit felony, and the corresponding crimes included under the French law in the words "vol, qualifié crime."

(Ex. Jour., vol. 6, pp. 319, 346.)

June 14, 1844.

On the convention with Prussia and the other States of the Germanic Association of Customs and Commerce, Mr. Choate reported as follows:

That the Senate ought not to advise and consent to the ratification of the convention aforesaid.

In submitting this report the committee do not think it necessary to say anything on the general object sought to be accomplished by the convention, or on the details of the actual arrangement; nor to attempt to determine, by the weight and measure of the reciprocal concessions, which Government, if either, has the best of the transaction. These subjects have not escaped their notice, but they propose to confine themselves to a very brief exhibition of another and single ground, upon which, without reference to the particular merits of the treaty, they advise against its ratification.

The committee, then, are not prepared to sanction so large an innovation upon ancient and uniform practice in respect of the department of government by which duties on imports shall be imposed. The convention which has been submitted to the Senate changes duties which have been laid by law. It changes them either *ex directo* and by its own vigor, or it engages the faith of the nation and the faith of the legislature through which the nation acts to make the change. In either aspect it is the President and Senate who, by the instrumentality of negotiation, repeal or materially vary regulations of commerce and laws of revenue which Congress had ordained. More than this, the executive department, by the same instrumentality of negotiations, places it beyond the power of Congress to exceed the stipulated maximum of import duties for at least three years, whatever exigency may intervene to require it.

In the judgment of the committee the legislature is the department of government by which commerce should be regulated and laws of revenue be passed. The Constitution, in terms, communicates the power to regulate commerce and to impose duties to that department. It communicates it, in terms, to no other. Without engaging at all in an examination of the extent, limits, and objects of the power to make treaties, the committee believe that the general rule of our system is indisputably that the control of trade and the function of taxing belong, without abridgement or participation, to Congress. They infer this from the language of the Constitution, from the nature and principles of our Government, from the theory of republican liberty itself, from the unvaried practice, evidencing the universal belief of all, in all periods and of all parties and opinions. They think, too, that, as the general rule, the representatives of the people, sitting in their legislative capacity, with open doors, under the eye of the country, communicating freely with their constituents, may exercise this power more intelligently, more discreetly, may acquire more accurate and more minute information concerning the employments and the interests on which this description of measures will press, and may better discern what true policy prescribes and rejects than is within the competence of the executive department of the Government.

To follow, not to lead; to fulfill, not to ordain the law; to carry into effect, by negotiation and compact with foreign governments, the legislative will, when it has been announced, upon the great subjects of trade and revenue; not to interpose with controlling influence; not to go forward with too ambitious enterprise—these seem to the committee to be the appropriate functions of the Executive.

Holding this to be the general rule upon the subject, the committee discern nothing in the circumstances of this case, nothing in the object to be attained or in the difficulties in the way of obtaining it, which should induce a departure from the rule. If Congress think the proposed arrangement a beneficial one, it is quite easy to pass a law which shall impose the rates of duty contemplated by it, to take effect when satisfactory information is conveyed to the President that the stipulated equivalents are properly secured.

Upon this single ground, then, the committee advise that the treaty be rejected. It may help to reconcile the Senate to this conclusion if they add that they do not regard the stipulated concessions of the foreign contracting power as in any degree equivalent to the considerations by which we obtain them. Against the imposition of a duty on cotton and against the enhancement of the duty on rice we have in the enlightened self-interest of Germany all, or almost all, the security which we could have in her plighted faith, sacred and inviolable as that would ever be.

The gain to the United States is confined to a restriction of the duty on lard to 137 cents on the centner, a measure of weight equivalent to 113 pounds, and the reduction of the imposition on tobacco in leaf of about a cent and a third per pound. On a liberal estimate of the addition which might be expected in the consumption of tobacco from this rate of reduction of duty, in the States of the Zoll Verein, it can not be counted as extending beyond a few thousand, say from five to six thousand hogsheads a year. This estimate is formed on the rate of progression for some years past of the export of tobacco from the United States to Germany. The price of tobacco, independently of the reduction which might follow a diminished rate of duty, is already so moderate in the Zoll Verein States that increased consumption to any considerable extent can hardly be inferred as the effect of the diminution.

Such, then, is the paucity of advantages promised from the acceptance of the treaty. To these are to be opposed the reductions of duty conceded in compensation, extending to whole classes and large varieties of articles comprehended in our present tariff and descending to rates of 20, 15, and 10 per cent.

ARTICLE I.

The United States of America agree not to impose duties on the importation of the following articles, the growth, produce, and manufacture of the States of the Germanic Association of Customs and Commerce, exceeding—

- I. Twenty per cent ad valorem on the importation of—
 1. All woolen, worsted, and cotton mitts, caps and bindings, and woolen, worsted, and cotton hosiery—that is to say, stockings, socks, drawers, shirts, and all other similar manufactures made on frames.
 2. On all musical instruments of every kind, except pianofortes.
- II. Fifteen per cent ad valorem on the importation of—
 1. All articles manufactured of flax or hemp, or of which flax or hemp shall be the component part of chief value, except cotton bagging or any other manufacture suitable for the uses to which cotton bagging is applied.
 2. All manufactures of silk or of which silk shall be the component part of chief value.
 3. Thibet, merinos, merino shawls, and all manufactures of combed wool or of worsted and silk combined.
 4. Polished plate glass, silvered or not silvered; small pocket looking-glasses from three to ten inches long and from one and a half to six inches broad; toys of every description; snuff boxes of papier maché; lead pencils; lithographic stones, and wooden clocks, known under the name of Schwarzwälder clocks.
 5. Cologne water, needles, bronze wares of all kinds, planes, scissors, scythes,

files, saws, and fishhooks, gold, silver, and copper wire, tin foil, and musical strings of all kinds.

6. Leather pocketbooks and etuis, and all sorts of similar fine leather manufactures, known under the name of Offenbacher fine leather fabrics.

III. Ten per cent ad valorem on the importation of—

1. All thread laces and insertings, laces, galloons, tresses, tassels, knots, stars of gold and silver, fine or half fine.

2. Mineral waters, spelter, and hare's wool, dressed.

The mere statement, independently of detailed estimates, which the committee has had no time to mature, demonstrates on its face the inequality of the concessions of the treaty. To this result is to be added the loss of duties to the United States in the event that it should be found that the reciprocal engagements of our Government with some of the other foreign powers, as regards the admission of commercial intercourse on the terms of the most favored nation, should compel us to receive the articles of their production or manufacture of like character with the subjects of the proposed concessions in the present treaty on the same terms.

In every view, whether of the constitutional competency as regards the action of the Senate on the subject or of the unequal value of the stipulated equivalents provided by the treaty, the committee is of opinion that it can assert no title to the recommendation of the Senate to its ratification.

(Ex. Jour., vol. 6, p. 333.)

TWENTY-EIGHTH CONGRESS, SECOND SESSION.

January 13, 1845.

On the treaty with the Grand Duchy of Hesse for the abolition of the droit d'aubaine and taxes on emigration, Mr. Archer reported as follows:

Whereas the time limited by the sixth article of the convention for the mutual abolition of the droit d'aubaine and taxes on emigration between the United States of America and the Grand Duchy of Hesse has expired before an exchange of ratifications has taken place, as provided for by the said article, be it therefore

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the exchange of ratifications of the convention aforesaid at any time prior to the fourth day of July next, whenever the same shall be offered by the Grand Duchy of Hesse; and the said ratifications shall be deemed and taken to have been regularly exchanged, the limitation contained in said convention to the contrary notwithstanding.

(Ex. Jour., vol. 6, p. 379.)

February 26, 1845.

On the convention with Prussia and other German States, Mr. Archer reported as follows:

This convention was referred to this committee at the last session of Congress. After bestowing the consideration due to the importance and interest of the subject, the committee recommended that the convention be laid on the table of the Senate. The recommenda-

tion was complied with, and the time has expired within which, if ratified, the exchange of the ratifications was required to take place. The object of the committee in their recommendation was to reach the end of the refusal to ratify the convention in the mode most conformable to the comity due to the parties to it.

The President, not apprehending this purpose of the committee, has seen fit to ascribe their recommendation and the consequent action of the Senate to immature advisement as regards the merits of the convention.

In this view he informs the Senate in the present message that, having reason for the opinion that the expiration of the time limited for the exchange of the ratifications would prove no insuperable obstacle to the ratification of the treaty on the part of the Zoll Verein, if the Senate should consent and advise, he had caused negotiations to be reopened for the purpose of obtaining an extension of the period for the interchange of ratifications. And he submits again to the Senate the policy of giving their assent to the treaty.

The committee bestowed, on the reference to them at the last session, the mature attention due to the interests involved in the inquiry and the dignity of the parties to the convention. They were, as they continued to be, fully aware of the value of the commerce subsisting with the States of the Zoll Verein and of its probable extension from the industrious habits and advancing condition of the country. They are aware, too, of the general absence of rivalry as respects the subjects of production and exchange of the two countries, a consideration suggesting further and stronger motives of cultivation of the most liberal intercourse with these States.

The inducements would be persuasive in these views to the adoption of the treaty. The committee, notwithstanding, felt themselves constrained at the last session to recommend a contrary proceeding to the Senate. They have revised the grounds of that recommendation and find no adequate reason to change it as expressed in their last year's report.

In that report they examined the subject in two aspects. The first related to the propriety of interfering with the established usage, leaving to Congress the entire discretion as regards the arrangement of imposts by treaty; the second to the advantage of doing so in the present instance.

In the report they say:

The committee, then, are not prepared to sanction so large an innovation upon ancient and uniform practice in respect of the department of government by which duties on imports shall be imposed. The convention which has been submitted to the Senate changes duties which have been laid down by law. It changes them either *ex directo* and by its own vigor or it engages the faith of the nation and the faith of the legislature, through which the nation acts, to make the change. In either aspect it is the President and Senate who, by the instrumentality of negotiation, repeal or materially vary regulations of commerce and laws of revenue which Congress had ordained. More than this, the executive department, by the same instrumentality of negotiation, places it beyond the power of Congress to exceed the stipulated maximum of impost duties for at least three years, whatever exigency may intervene to require it.

In the judgment of the committee the legislature is the department of government by which commerce should be regulated and laws of revenue be passed. The Constitution, in terms, communicates the power to regulate commerce and to impose duties to that department. It communicates it, in terms, to no other. Without engaging at all in an examination of the extent, limits, and objects of the power to make treaties, the committee believe that the general rule of our system is indisputably that the control of trade and the function of taxing belong, without abridgment or participation, to Congress. They infer this from the language

of the Constitution, from the nature and principles of our Government, from the theory of republican liberty itself, from the unvaried practice, evidencing the universal belief in all periods and of all parties and opinions. They think, too, that, as the general rule, the representatives of the people, sitting in their legislative capacity, with open doors, under the eye of the country, communicating freely with the constituents, may exercise this power more intelligently, more discreetly, may acquire more accurate and more minute information concerning the employments and the interests on which this description of measures will press, and may better discern what true policy prescribes and rejects than is within the competence of the executive department of the Government.

To follow, not lead; to fulfill, not to ordain the law; to carry into effect, by negotiation and compact with foreign governments, the legislative will, when it has been announced, upon the great subjects of trade and revenue; not to interpose with controlling influence, not to go forward with too ambitious enterprise—these seem to the committee to be the appropriate functions of the Executive.

The committee have experienced no change of these views. The fact of the President and Senate being invested with authority to control Congress in a sphere so appropriate to its jurisdiction furnished no sufficient cause for the exertion of the authority, unless for peculiar reason of injury to be avoided or advantage realized which legislation may not reach with the same facility or effect. Retaliatory regulation, when required, for example, may be best arranged or obviated by treaties. In such cases the cooperation of Congress may always be expected, with no impairment of harmony between the departments.

The question has been debated how far Congress would be bound to give effect, in cases requiring its cooperation, to regulations by treaty on subjects put within its express province by the Constitution. Which ever may be the better opinion, the doubt supplies reason enough against putting the question to trial in other circumstances than those in which the concurrence of Congress may be safely assumed. And the reason is the stronger for this forbearance from the fact that, in the contingency of conflict, it would be not the interests only, but the faith, too, of the nation which might be compromised, as this would have been committed by the adoption of the treaty regulations.

The condition of the Government at this moment is of peculiar delicacy as regards the arrangement of its imposts. Parties have been arrayed with vehemence and the greatest sensibility awakened on the subject. Regulation by treaty in the circumstances would doubtless be carried into effect by the House of Representatives. But the temper in which the supposed intrusion might be expected to be received would be anything but cordial or placid. Ought not the occasion to be considerable, the motive urgent, to warrant the exercise of the authority at this cost? It is a topic requiring only to be displayed, not dwelt on.

It is further to be considered, if we were to have separate regulation of duties with the various powers which might invite or desire this course of action, how inconveniently diversified and mottled our tariff system might soon become, whilst we should be precluded from simplifying and restoring it to uniformity and symmetry by engagements we were not at liberty to retire from, or which we could only retract at the hazard of disturbing harmony and possibly inciting changes of tariff unfavorable to our interests.

We have at this time treaty stipulations with twenty-one foreign states, engaging that their articles of produce or manufacture, respectively, shall be liable to the payment of no higher or other duties on importation into the United States than shall be payable on the like articles from other countries. We say that this pledge does not preclude us from changes of our rates of duty for equivalents without let-

ting other powers to participation, unless in the render of the same equivalents by these other powers. Let this view be granted to be correct. Is it not true, nevertheless, that others might be found to contest this construction, and, whilst they could not prevail on us to abandon it, might still seek occasion of dissatisfaction on our refusal, possibly to the extreme of introducing change to our disadvantage in their tariffs? The consequence may not be hazarded on light inducements in any event.

If we make regulations of reduction and favor in regard to articles from a foreign country, unless (the instances of which are rare) they are peculiar to that country, the operation will not be confined to these articles, but extend to all the same class from all countries, or, it may be, have the effect to derange the established channels of trade, not in these classes of articles only, but much larger classes in connection with these, as having formed their associates in importation from the same country. The committee do not feel required to expand and assign their full development to views of this character. They regard it their duty, however, to bring them to the attention of the Senate for a better and wiser consideration. The effect of granting reductions of impost on the revenue of the country is, in this view, not to be confined to the mere estimate of the articles to be introduced from the country with which the stipulation for the reduction has been made. The reduction must affect the articles of the same class from all countries and, of course, the revenue which the duties on them will afford.

Such, in a condensed form, are the views which the committee entertain as regards the general question of the propriety and policy of interference by regulations of treaty with the tariff arrangements of the Government. The possible occurrence of occasions in which it may be advisable to exert it is not disputed. But the opinion is intended to be expressed that the occasions should be marked by the promise of very superior advantage, or lie out of the convenient reach of the exertion of the ordinary power of Congress.

And this remark introduces the inquiry whether an occasion of this character is offered in the instance of the present convention. The committee, in their report of last year, expressed the opinion that the balance of equivalents would be found against the United States. At the period of expressing this opinion, from the advanced stage of the session, time had not been afforded to cause estimates to be made, founded on official documents or other statistical information. These have now been directed, and the result appears to be as follows:

The value of imports into the United States from the States of the Zoll Verein of the articles enumerated in the treaty in the year 1842 was \$391,426, and upon this value had the treaty been in operation there would have been a difference between the duties under the tariff of 1842 and under this treaty of \$54,089. The value of those imports for the nine months ending the 30th June, 1843, was \$149,430, and the difference in the amount of duties would have been \$24,514.

The value of the articles of export from the United States to the Zoll Verein mentioned in the treaty in the year 1841 amounted to \$3,145,612, upon which value the reduction of duty on tobacco, etc., would have been under the treaty about \$357,000, and the value of the same articles for the nine months ending 30th June, 1843, was \$2,236,285, the reduction of duty being about \$205,457. From this statement it would appear that had the treaty been in force in the year 1842, the difference in the duties in favor of the United States

would have been about \$300,000 and about \$180,000 for the nine months ending the 30th June, 1843, while the difference to the planters from the reduction of price in the year 1842 was \$572,732.

These particulars are founded upon the supposition that the entire exportation to the Hanse towns would equal the whole of the exports to the Zoll Verein. Giving this arrangement the most favorable aspect, it would appear that in 1842 had it been in operation the reduction of the duty there upon the article of tobacco might have been \$300,000, which, however, for the ensuing nine months decreased to the sum of \$180,000, and which decrease, from the large quantity of tobacco recently raised in Prussia and the other States of the Zoll Verein, is destined to continue to decrease until their home supply shall equal the demand, for it would appear, from good authority, that there was raised in those countries forming the Zoll Verein in the year 1839 30,800,000 pounds of tobacco. The whole annual product of tobacco in the United States, according to the last report of the Commissioner of Patents, was 185,731,554 pounds, and the whole quantity exported in 1842 was 129,968,000 pounds. Of the consumption of tobacco in the Zoll Verein, it would appear from the authority above mentioned that in the year referred to (1839) 10,880,000 pounds were imported from America; but the quantity exported to the Hanse towns in 1842 was 36,091,200 pounds, which exportation, however, decreased during the succeeding nine months to 19,603,200 pounds. These facts, founded upon official or undoubted data, convey strong evidence that the demand for American tobacco in the States of the Zoll Verein has greatly decreased and is on the decline, while its price there has fallen from 8½ to 5½ cents per pound within four years. The entire amount of exports of every description of merchandise to Prussia and the Hanse towns in 1842 was \$4,721,201, and the whole amount of imports from those places in the same time was \$2,292,201.

From the above statement it will be seen that the balance of advantage would be in favor of and not against the United States, as supposed in the report of last year, from the ratification of the convention. Whether they ought to be regarded as of sufficient weight to counter-vail the established policy of the Government of leaving the regulation of duties to Congress is matter for the Senate, not the committee, to determine.

The committee have supposed that their duty would be most properly discharged by presenting the considerations on both sides—the usage of the Government on the one side, with the grounds of it, and the advantage promised by departure from this usage in favor of the convention under consideration on the other. The Senate, on this comparative view, will draw the proper conclusion for itself. Till this be done the committee recommend that the convention lie on the table of the Senate.

(Ex. Jour., vol. 6, p. 406.)

TWENTY-NINTH CONGRESS, FIRST SESSION.

May 29, 1846.

On the convention with Peru, Mr. Allen reported as follows:

Whereas the seventh article of the convention between the United States of America and the Republic of Peru, concluded at Lima the

seventeenth March, eighteen hundred and forty-one, require[s] that the ratifications by the contracting parties should be exchanged within two years from its date, which provision was not observed by the said parties, owing to delays in the ratification rendering such exchange impracticable within the time stipulated; and

Whereas it appears by the message of the President of the United States of the 26th instant, and by a communication from the minister of foreign affairs of the Republic of Peru of the fifteenth November, eighteen hundred and forty-five, that the duly constituted authorities of that Republic did on the twenty-first of October, eighteen hundred and forty-five, by law approve "in all respects the said convention, with the condition, however, that the first annual installment of thirty thousand dollars on account of the principal of the debt recognized thereby, and to which the second article relates, should begin from the first of January, eighteen hundred and forty-six, and the interest on this annual sum, according to article third, should be calculated and paid from the first of January, eighteen hundred and forty-two, following in all other respects besides this modification the terms of the convention:" Therefore,

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent that the first annual installment of thirty thousand dollars shall begin on the first January, eighteen hundred and forty-six, instead of first January, eighteen hundred and forty-four, as required by the second article of the convention between the United States of America and the Republic of Peru concluded at Lima the seventeenth March, eighteen hundred and forty-one, and that an installment of thirty thousand dollars be paid on the first day of each succeeding January until the whole sum of three hundred thousand dollars shall be paid, with interest on each installment as stipulated in the third article of the said convention, and that the ratification and exchange of ratifications of the said convention, and of the modification to which the advice and consent of the Senate are hereby given, shall be valid if made at any time within two years from this day.

(Ex. Jour., vol. 7, p. 81.)

August 5, 1846.

On the message of the President as to proposals from the Government of Mexico for a treaty of peace with the United States, Mr. McDuffie reported as follows:

Resolved, That the course adopted and proposed by the President, as indicated in his message of the fourth instant, for the speedy termination of the war with Mexico, receives the approbation of the Senate.

Resolved, That in the opinion of the Senate it is expedient to place two millions of dollars at the disposal of the President, to be used at his discretion in the event of a treaty of peace with Mexico satisfactorily adjusting the boundaries of the two countries, and that the Committee on Foreign Relations be instructed to report to the Senate in open session a bill for that purpose in conformity to the provisions of similar acts passed in eighteen hundred and three and eighteen hundred and six.

Resolutions recommitted.

(Ex. Jour., vol. 7, p. 136.)

August 6, 1846.

On the same subject as preceding report, Mr. McDuffie reported as follows:

1. *Resolved*, That the Senate entertain a strong desire that the existing war with Mexico should be terminated by a treaty of peace just and honorable to both nations, and that the President be advised to adopt all proper measures for the attainment of that object.

2. *Resolved further*, That the Senate deem it advisable that Congress should appropriate a sum of money to enable the President to conclude a treaty of peace, limits, and boundaries with the Republic of Mexico, and to be used by him in the event that such treaty should call for the expenditure of the money so appropriated, or any part thereof.

(Ex. Jour., vol. 7, p. 137.)

TWENTY-NINTH CONGRESS, SECOND SESSION.

February 1, 1847.

On the treaty of extradition with the Swiss Government, Mr. Sevier reported as follows:

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the convention for the mutual surrender of criminals between the United States and the Swiss Confederation, concluded at Paris the fifteenth of September, eighteen hundred and forty-six, with the following amendment:

Strike out of the first article the following words: "With the distinct understanding, however, that in no case shall the high contracting parties be required to deliver up their respective citizens."

(Ex. Jour., vol. 7, pp. 184, 237.)

THIRTIETH CONGRESS, FIRST SESSION.

February 16, 1848.

Mr. Sevier made the following report:

The Committee on Foreign Relations, to whom was referred the convention for the mutual delivery of criminals, fugitive from justice, in certain cases, concluded between the United States on the one part and Prussia and other States of the Germanic Confederation on the other part, at Berlin, on the 29th of January, 1845, beg leave to submit the following report:

This convention was submitted to the Senate for its constitutional action by the President with his message of the 16th of December, 1845, and was referred to the Committee on Foreign Relations on the 18th of the same month. It was given careful consideration by the committee but no report was made on it, and no action was taken in regard to it by the Senate during that Congress.

It was again referred to this committee on the 3d of January of the present year, and your committee have given the provisions of the convention, and especially those provisions to which the President stated his objections in his message of December 16, 1845, above

referred to, most considerate and careful attention. They do not think these objections are sufficient to warrant the rejection of the convention, and they, therefore, recommend that the Senate advise and consent to its ratification.

The limitation of time within which the convention should be ratified, contained in the sixth article, expired on the 29th of April, 1846, and your committee, therefore, report the following resolution:

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the convention for the mutual delivery of criminals, fugitive from justice, in certain cases, concluded between the United States on the one part, and Prussia and other States of the Germanic Confederation on the other part, at Berlin, the 29th of January, 1845, with the following amendment:

Article 6, line 4, strike out "fifteen months" and insert *forty-four months*.

August 7, 1848.

Mr. Mangum made the following report:

The Committee on Foreign Relations, to whom was referred the message of the President in regard to the rights of the Hudson Bay Company and the Puget Sound Land Company to the navigation of the Columbia River, having carefully considered the subject, beg leave to report the following resolution:

Resolved, That the President be requested to extinguish, by purchase, in such manner as he may deem advisable, the rights of the Hudson Bay Company and the Puget's Sound Land Company to the navigation of the Columbia River, and all property and other possessory rights held by them in the Territory of Oregon: Provided, That the sum to be given on the part of this Government shall not exceed one million of dollars.

THIRTY-FIRST CONGRESS, FIRST SESSION.

February 13, 1850.

On the treaty with Austria, Mr. King reported as follows:

Whereas the time limited by the sixth article of the convention for the extension of certain stipulations contained in the treaty of commerce and navigation of August twenty-seventh, eighteen hundred and twenty-nine, between the United States of America and His Majesty the Emperor of Austria, concluded at the city of Washington the eighth of May, eighteen hundred and forty-eight, has expired before the ratification of the said convention by the Senate: Be it therefore

Resolved, That the Senate advise and consent to the exchange of ratifications of the convention aforesaid at any time prior to the fourth day of July next, whenever the same shall be offered by His Majesty the Emperor of Austria; and the said ratifications shall be deemed and taken to have been regularly exchanged, the limitation contained in said convention to the contrary notwithstanding.

(Ex. Jour., vol. 8, pp. 140, 141.)

September 27, 1850.

On the treaty with San Salvador, Mr. Foote reported as follows:

Whereas the time limited by the thirty-sixth article of a general treaty of amity, navigation, and commerce between the United States of North America and the Republic of San Salvador, concluded at the city of Leon the second day of January in the year of our Lord one thousand eight hundred and fifty, for the exchange of the ratifications thereof, has expired before the ratification of the said treaty by the Senate: Be it therefore

Resolved, That the Senate advise and consent to the exchange of ratifications of the treaty aforesaid at any time prior to the first day of April next, whenever the same shall be offered by the duly constituted authorities of the Republic of San Salvador; and the said ratifications shall be deemed and taken to have been regularly exchanged, the limitations contained in the said treaty to the contrary notwithstanding.

(Ex. Jour., vol. 8, p. 257.)

September 27, 1850.

On the treaty with Guatemala, Mr. Foote reported as follows:

Whereas the time limited by the thirty-third article of the general convention of peace, amity, commerce, and navigation between the United States of America and the Republic of Guatemala, concluded at the city of Guatemala the third day of March, in the year of our Lord eighteen hundred and forty-nine, for the exchange of the ratifications thereof has expired before the ratification of the said treaty by the Senate: Be it therefore

Resolved, That the Senate do advise and consent to the exchange of ratifications of the convention aforesaid at any time prior to the first day of April next, whenever the same shall be offered by the duly constituted authorities of the Republic of Guatemala, and the said ratifications shall be deemed and taken to have been regularly exchanged, the limitation contained in the said convention to the contrary notwithstanding.

(Ex. Jour., vol. 8, p. 258.)

THIRTY-SECOND CONGRESS, FIRST SESSION.

March 5, 1852.

On the treaty with Persia, Mr. Mason reported as follows:

Add the following as a new article:

ARTICLE 9. The subjects of the Government of Persia, whilst within the United States, and the citizens of the United States, whilst in Persia, whether engaged in commerce or in any other pursuit, shall have and enjoy all rights, privileges, and immunities now enjoyed by, or which may hereafter be conceded to, the subjects or citizens of other countries.

(Ex. Jour., vol. 8, p. 371.)

June 7, 1852.

On the treaty with Guatemala, Mr. Mason reported as follows:

Whereas the time limited by the thirty-third article of the general convention of peace, amity, commerce, and navigation between the United States of America and the Republic of Guatemala, concluded at the city of Guatemala the third day of March, in the year of our Lord eighteen hundred and forty-nine, for the exchange of ratifications of the same has expired before such ratifications could be effected: Be it therefore

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the exchange of ratifications of the general convention aforesaid at any time prior to the first day of November next, whenever the same can be effected between the authorities of the United States and the duly constituted authority of the Government of the Republic of Guatemala, and the said ratifications shall be deemed and taken to have been regularly exchanged, the limitation contained in said convention to the contrary notwithstanding.

(Ex. Jour., vol. 8, pp. 394, 395.)

June 23, 1852.

On the treaty with Sultan of Borneo, Mr. Mason reported as follows:

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the convention of peace, friendship, and good understanding between the United States of America and His Highness the Sultan of Borneo, concluded at the city of Bruni on the twenty-third day of June, anno Domini eighteen hundred and fifty; and whereas the time limited by the said convention for the exchange of ratifications of the same will have expired before such exchange of ratifications can be effected: Be it further

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the exchange of ratifications of the said convention at any time prior to the fourth day of July in the year eighteen hundred and fifty-four, whenever the same can be effected between the authorities of the United States and the duly constituted authority of His Highness the Sultan of Borneo, and the said ratifications shall be deemed and taken to have been regularly exchanged, the limitations contained in said convention to the contrary notwithstanding.

(Ex. Jour., vol. 8, pp. 403, 404.)

THIRTY-SECOND CONGRESS, SECOND SESSION.

February 11, 1853.

[Senate Report No. 407.]

Mr. Mason made the following report:

The Committee on Foreign Relations, to whom was referred the message of the President of the United States of the 4th January, and to whom also has been referred the resolution of the Senate adopted on the 27th of the same month, have had the same under consideration and report:

The message of the President is as follows:

In answer to the resolution of the Senate of the 30th ultimo, requesting information in regard to the establishment of a new British colony in Central America. I transmit a report from the Secretary of State and the documents by which it was accompanied.

MILLARD FILLMORE.

WASHINGTON, *January 4, 1853.*

DEPARTMENT OF STATE.

Washington, January 3, 1853.

The Secretary of State, to whom was referred the resolution of the Senate of the 30th ultimo, requesting the President "to communicate to the Senate, as far as may be compatible with the public interest, any information in the Department of State respecting the establishment of a new British colony in Central America, together with the copy of a proclamation, if received at the said Department, issued by the British authorities at the Belize, July 17, 1852, announcing that 'Her Most Gracious Majesty our Queen has been pleased to constitute and make the islands of Roatan, Bonacca, Utilia, Barbarat, Helene, and Morat to be a colony to be known and designated as the Colony of the Bay of Islands,' and signed 'By command of Her Majesty's superintendent, Augustus Fred. Gore, colonial secretary;' and also what measures, if any, have been taken by the Executive to prevent the violation of that article of the treaty of Washington of July 4, 1850, between the United States and Great Britain, which provides that neither party shall "occupy, or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America," has the honor to report that no information, official or unofficial, of the character requested by the resolution has been received at this Department. A consul of the United States was appointed for Belize, Honduras, on the 3d of March, 1847, and the minister of the United States at London was instructed by the Department to apply to the British Government for his exequatur. It appears, however, from the letter of the Department to him of the 1st of March, 1850, an extract from which is hereunto annexed, that his commission was revoked. As no successor has since been appointed, there has been no officer of this Government in that quarter from whom the information asked for in the resolution could be expected by the Department. The accompanying note from Mr. Clayton to Sir Henry L. Bulwer of the 4th of July, 1850, which has an important bearing upon the inquiries contained in the resolution, is also laid before you.

Respectfully submitted.

EDWARD EVERETT.

THE PRESIDENT OF THE UNITED STATES.

In the absence, thus, of all information affecting this important subject at the Department of State, the committee, through such unofficial sources as could be opened to them, have proceeded to inquire into the truth of the alleged establishment by Great Britain of a colony at the place indicated in the Bay of Honduras.

It appears that during the past summer a proclamation in the name of the British Government was published and generally circulated through the British settlements at Honduras Bay and in the British West Indies, of which the following is a copy:

PROCLAMATION.

OFFICE OF THE COLONIAL SECRETARY,

Belize, July 17, 1852.

This is to give notice that Her Most Gracious Majesty the Queen has been pleased to constitute and make the islands of Roatan, Bonacca, Utilia, Barbarat, Helene, and Morat to be a colony, to be known and designated as "The Colony of the Bay Islands."

By command Her Majesty's superintendent:

AUGUSTUS FREDERICK GORE,
Acting Colonial Secretary.

God save the Queen!

This proclamation would seem to bear all the marks of a genuine paper, was transferred to the public journals of this country, became immediately a subject of strong remark by the press and in periodical publications of merit and character, and, so far as the committee are informed, the fact as proclaimed has never been contradicted.

Without assuming, then, that it is true and that such a colony has been in fact established by authority of the Government of Britain, the committee have, nevertheless, felt called on to proceed with their inquiry as if it were so.

The islands named in this proclamation form a cluster, differing in size and extent, but contiguous to each other, and lie near the coast of the Republic of Honduras, on the bay of that name. The principal one of this group we find thus spoken of by an accredited writer in a late American review:

About 30 miles to the northward of the port of Truxillo, in the republican State of Honduras, Central America, is an island called Roatan—sometimes Ruatan, and Rattan. It is about 30 miles long and 9 broad, has a fine soil, healthful climate, a plentiful supply of good water, and, furthermore, two excellent harbors, each capable of containing a fleet. "It may be considered," says Alcedo, "as the key of the Bay of Honduras and the focus of the trade of the neighboring countries." "This beautiful island," says Macgregor, "has an excellent harbor, easily defended, and is well adapted to the culture of cotton, coffee, and other tropical products." And Captain Mitchell, of the British navy, adds that "the local position of this island seems one of importance in a commercial and perhaps in a political point of view. It is the only place where good harbors are found on an extensive and dangerous coast;" and also "that its proximity to Central America and Spanish Honduras seems to point it out as a good depot for English goods and manufactures, where they would find a ready market, even in opposition to any duties placed on them." "Roatan and Bonacca," says another English author, Wright, "in consequence of their fine harbors, good soil, pure air, and great quantities of animals, fish, and fruits, and commanding ground, are proverbially known in that part of the world as the 'garden of the West Indies,' 'the key to Spanish America,' and a 'new Gibraltar.'" From their natural strength they might be made impregnable, being tenable with very small force."

These islands, in common with numerous others adjacent to the coast, constituted, from their earliest discovery by Spanish navigators, parts of the Spanish dominions on the southern continent of America. It is true that during the wars of the buccaneers in the last century, and in course of the irregularities and aggressions incident to that period, various of them, from time to time, came into the possession of England. But in the definitive treaty of peace between Spain and England, concluded at Versailles September 3, 1783, all claim and pretension of the latter power to any of these islands was definitively renounced. By the terms of that treaty a district of country on the mainland, between the rivers Wallis, or Belize, and the Rio Hondo, was set apart, with liberty for British subjects to reside thereon, to cut and export dyewoods, etc., and reserving to Spain the "rights of sovereignty" over such district; and, by the sixth article, it is stipulated on the part of England that "all the English who may be dispersed on any other parts, whether on the Spanish continent or on any of the islands whatsoever dependent on the aforesaid Spanish continent, and for whatever reason it might be, without exception, shall retire within the district which has been above described in the space of eighteen months, to be computed from the exchange of the ratifications; and for this purpose orders shall be issued on the part of His Britannic Majesty," etc.

All the provisions of this treaty relating to Spanish America were subsequently reaffirmed by the convention between the same powers,

signed at London the 14th July, 1786, save that by the fourth article the English were allowed "to occupy the small island known by the names of Casina, St. George's Key, or Cayo Casina in consideration of the circumstance of that part of the coast opposite to the said island being looked upon as subject to dangerous disorders." "But," the treaty proceeds, "this permission is only to be made use of for purposes of real utility;" and it is further agreed that "no fortifications shall be erected and no troops stationed there by the English."

This island of Casina, or St. George's Key, lies off the mouth of the Belize River, a short distance from the coast.

Thus careful was the Government of Spain in securing its dominion over these islands as dependencies on its continental possessions; and thus explicit was that of England in renouncing all pretensions of claim.

The committee assume, then, as historically true that the islands in question formed a part of the Spanish dominion in America at the time when the provinces adjacent declared and established their independence.

If any additional proof were wanting of this it would be found in the constitution of the Spanish monarchy, adopted in 1812, in which it is declared that—

Guatemala, with the internal provinces of the east and west, and the adjacent islands on both seas, form parts of the Spanish dominions.

The next inquiry which the committee deem pertinent to the subjects referred to them is to determine whether the islands named in this proclamation form a part of Central America within the terms of the treaty concluded at Washington, April 19, 1850, between Great Britain and the United States.

In tracing the history of the Spanish possessions in this part of the American continent, they find that previous to the revolution which severed them from Spain, and for a long time anterior, the territory which has but recently assumed the title of "Central America" constituted a separate provincial government under the name of the "Kingdom or Vice-Royalty of Guatemala." This vice-royalty embraced the provinces of Guatemala, San Salvador, Honduras, Nicaragua, and Costa Rica.

In the year 1821 the province of Guatemala declared its independence and became a separate State, under the title of the "Republic of Guatemala." The other provinces of the old kingdom or vice-royalty followed the example and became the separate Republics of Salvador, Honduras, Nicaragua, and Costa Rica.

In 1824 these five Republics adopted a federal constitution and assumed a place in the family of nations as the United States of Central America; thus for the first time introducing that title as a political designation.

By the fifth article of this constitution it is declared that the territory of the Republic of Central America is the same which formerly composed the old Kingdom of Guatemala, with the exception of the province of Chiapas.

In the recopilacion (compilation) of the laws of the Indies, the boundaries of the old Kingdom of Guatemala are thus given:

On the east by Audiencia of Tierra Firma, or the Escudo de Veragua (the western province of New Grenada, on the Isthmus of Panama); on the west by Mexico or New Spain; by the Atlantic on the north, and by the Pacific on the south.

Thus, geographically, the boundaries of what subsequently became the Confederation of Central America are clearly ascertained. They

are those of the old vice-royalty of Guatemala and embrace the five Republics named above, with all the insular dependencies which pertained to them while under the dominion of Spain.

The "Bay Islands," as they are termed in the proclamation of the superintendent at Belize, lie adjacent to the coast of the Republic of Honduras, from which they are distant about 30 miles, and are claimed by that Republic as part of her territory; nor, as far as the committee are informed, is this questioned by any of the adjoining States. But it appears that the authorities of Her Britannic Majesty at Belize, on the Bay of Honduras, have from time to time asserted claims to the island of Roatan, and perhaps those contiguous, but under what pretense, or with what ulterior views, the committee are left only to conjecture. Certain it is that such claim, whenever asserted, has been strenuously resisted by the Republic of Honduras.¹ Yet, as such pretensions seem always to have emanated from these authorities at the Belize (as does the "proclamation"), the committee have deemed it relevant and of no little interest to ascertain the political character of the British settlements in that quarter.

A perusal of the treaties already referred to between Spain and England, of 1783 and 1786, furnishes a full and authentic history of the true character of these settlements; nor are the committee aware that such character has been altered or affected in any manner since their date.

By the terms of those treaties English subjects were allowed to occupy a tract of country within the Spanish dominions for the purposes specifically mentioned in the treaties.

The recitals in the treaties show that Spain reluctantly yielded to English subjects a privilege they had theretofore lawlessly assumed—of cutting dyewoods in the swamps and on the rivers of Spanish America. But the stipulations show that Spain was nevertheless sedulous and guarded to preserve unquestioned her sovereignty and dominion over the territory conceded to such occupancy; nor does it appear to have been contemplated that even this limited territory should be in the exclusive possession of the English, for by the seventh article of the treaty of 1786 it is provided that the inhabitants shall "occupy themselves simply in cutting and transporting the said wood," etc., "without meditating any more extensive settlements or the formation of any system of government further than such regulations as their Britannic and Catholic Majesties may hereafter judge proper to

¹ Among the latest of these aggressions, it is said that in 1830 the island of Roatan was seized by authority of the British superintendent at Belize; but, on complaint by the Federal Government of Central America, the act was formally disavowed by the British Government and the island restored to the authorities of the Republic. In 1841, however, this island was again violently taken possession of by Colonel McDonald, then Her Majesty's superintendent at Belize, in person, accompanied by a small body of men, in a Government schooner. It was found in charge of a sergeant and a few soldiers belonging to the State of Honduras, who were driven off, the flag of Honduras hauled down and the British flag hoisted in its place. The result is given in the words of the author from whom the foregoing account is derived:

"No sooner had they reembarked than they had the mortification of seeing the union jack replaced by the blue and white stripes of Honduras, for which it had just before been substituted: and, returning once more, they completed the inglorious revolution by taking such precautions and making such threats as they thought necessary.

"Since this act of annexation the island has been under British control, and a considerable number of settlers have been located upon it." (*The Gospel in Central America*, by Frederick Crowe, published at London, 1850.)

establish for maintaining peace and good order amongst their respective subjects."

To exhibit correctly the actual character and condition of these English settlements, the committee annex the following extracts from the treaties referred to:

[Extracts from article 6 of the "definitive treaty of peace between Great Britain and Spain," signed at Versailles September 3, 1763.]

The intention of the two high contracting parties being to prevent, as much as possible, all the causes of complaint and mi-understanding heretofore occasioned by the cutting of wood for dyeing, or logwood, and several English settlements having been formed and extended under that pretence upon the Spanish continent, it is expressly agreed that His Britannic Majesty's subjects shall have the right of cutting, loading, and carrying away logwood in the district lying between the rivers Wallis, or Belize, and Rio Hondo, taking the course of the said two rivers for unalterable boundaries, so as that the navigation of them be common to both nations, to wit, by the river Wallis, or Belize, from the sea, ascending as far as opposite to a lake or inlet which runs into the land and forms an isthmus, or neck, with another similar inlet, which comes from the side of Rio Nuevo or New River, so that the line of separation shall pass straight across the said isthmus and meet another lake formed by the water of the Rio Nuevo or New River at its commencement. The said line shall continue with the course of Rio Nuevo, descending as far as opposite to a river the source of which is marked in the map between Rio Nuevo and Rio Hondo, and which empties itself into Rio Hondo, which river shall serve as a common boundary as far as its junction with Rio Hondo, and from thence descending by Rio Hondo to the sea, as the whole is marked on the map which the plenipotentiaries of the two Crowns have thought proper to make use of for ascertaining the points agreed upon, to the end that a good correspondence may reign between the two nations, and that the English workmen, cutters, and laborers may not trespass from an uncertainty of the boundaries. * * *

* * * *Provided*, That these stipulations shall not be considered as derogating in any wise from his rights of sovereignty.

[Extracts from the convention between Great Britain and Spain relative to America, signed London, July 14, 1766.]

ARTICLE I.

His Britannic Majesty's subjects, and the other colonists who have hitherto enjoyed the protection of England, shall evacuate the country of the Mosquitos, as well as the continent in general, and the islands adjacent, without exception, situated beyond the line hereinafter described, as what ought to be the frontier of the extent of territory granted by His Catholic Majesty to the English for the uses specified in the third article of the present convention, and in addition to the country already granted to them in virtue of the stipulations agreed upon by the commissaries of the two Crowns in 1763.

ARTICLE II.

The Catholic King, to prove on his side to the King of Great Britain the sincerity of his sentiments of friendship toward his said Majesty and the British Nation, will grant to the English more extensive limits than those specified in the last treaty of peace: and the said limits of the lands added by the present convention shall, for the future, be understood in the manner following: The English line, beginning from the sea, shall take the center of the river Sibun or Jabon, and continue up to the source of the said river: from thence it shall cross in a straight line the intermediate land till it intersects the river Wallis: and by the centre of the same river the said line shall descend to the point where it will meet the line already settled and marked out by the commissaries of the two Crowns in 1763, which limits, following the continuation of the said line, shall be observed as formerly stipulated by the definitive treaty.

ARTICLE III.

* * * But it is expressly agreed that this stipulation is never to be used as a pretext for establishing in that country any plantation of sugar, coffee, cocoa, or other like articles, or any fabric or manufacture by means of mills or other machines whatsoever (this restriction, however, does not regard the use of saw-mills for cutting or otherwise preparing the wood); being indisputably acknowl-

edged to belong of right to the Crown of Spain, no settlements of that kind, or the population which would follow, could be allowed. The English shall be permitted to transport and convey all such wood and other produce of the place, in the natural and uncultivated state, down the rivers to the sea, but without ever going beyond the limits which are prescribed to them by the stipulations above granted, and without thereby taking an opportunity of ascending the said rivers beyond those bounds into the countries belonging to Spain.

ARTICLE IV.

* * *. The English shall be permitted to occupy the small island known by the name of Cassina, St. Georges Key, or Cayo Casina, in consideration of the circumstance of that part of the coasts opposite to the said island being looked upon as subject to dangerous disorders; but this permission is only to be made use of for purposes of real utility; and as great abuses, no less contrary to the intentions of the British Government than to the essential interests of Spain, might arise from this permission, it is here stipulated, as an indispensable condition, that no fortification, or work of defence whatever, shall at any time be erected there, nor any body of troops posted, nor any pieces of artillery kept there.

ARTICLE VII.

All the restrictions specified in the last treaty of 1783, for the entire preservation of the right of the Spanish sovereignty over the country, in which is granted to the English only the privileges of making use of the wood of different kinds, the fruits and other produce in their natural state, are here confirmed; and the same restrictions shall also be observed with respect to the new grant. In consequence, the inhabitants of those countries shall employ themselves simply in the cutting and transporting the said wood, and in the gathering and transporting of the fruits without meditating any more extensive settlements, or the formation of any system of government, either military or civil, further than such regulations as their Britannic and Catholic Majesties may hereafter judge proper to establish for maintaining peace and good order amongst their respective subjects.

ARTICLE VIII.

As it is generally allowed that the woods and forests are preserved, and even multiply, by regular and methodical cuttings, the English shall observe this maxim as far as possible; but if, notwithstanding all their precautions, it should so happen, in course of time, that they were in want of dyeing wood or mahogany, with which the Spanish possessions might be provided, the Spanish Government shall make no difficulty to furnish a supply to the English at a fair and reasonable price.

ARTICLE XI.

Their Britannic and Catholic Majesties, in order to remove every kind of doubt with regard to the true construction of the present convention, think it necessary to declare that the conditions of the said convention ought to be observed, according to their sincere intention, to insure and improve the harmony and good understanding which so happily subsist at present between their said majesties.

In this view His Britannic Majesty engages to give the most positive orders for the evacuation of the countries above mentioned by all his subjects, of whatever denomination; but, if contrary to such declaration, there should still remain any person so daring as to presume, by retiring into the interior country, to endeavor to obstruct the entire evacuation already agreed upon, His Britannic Majesty, so far from affording them the least succor, or even protection, will disavow them in the most solemn manner, as he will equally do those who may hereafter attempt to settle upon the territory belonging to the Spanish dominion.

In view of these stringent stipulations thus solemnly contracted and reaffirmed on the part of the British Government, the committee are clear in their opinion that the English settlements on the Belize have no political character whatsoever. The sovereignty and dominion of Spain over the whole territory was preserved unimpaired by these concessions. Nothing was yielded but what publicists term the "useful domain," and that only for certain restricted and limited purposes.

Such were the relations between the two powers of Spain and England when the provinces composing the old Kingdom of Guatemala established their independence; and it remains to inquire whether, and to what extent, this special occupancy on the part of England was altered or otherwise affected in its character by this change of government.

It is held as an undoubted principle that when one political community separates itself from another by successful revolt, assumes the form and declares itself to the world as a separate and independent power or State, and so maintains itself, that such power or State thereby becomes a sovereign within its lawful or prescribed limits; and, by the established usage of nations, such preexistent sovereignty is to be recognized by other nations as a common duty whenever the new power shall have exhibited satisfactory proof that it is in fact independent and is capable of so sustaining itself. At the time when the people of Guatemala declared their independence the King of Spain was the depositary of the sovereign power over the entire province, embracing these English settlements, and by the act of separation the people of Guatemala became necessarily invested with the whole sovereignty thus pertaining to the monarch. The revolution, in fact, did nothing more than to transfer the sovereignty, and it would follow that the sovereign power thus transferred came to the people unimpaired.

Thus, whatever rights England may have held in subordination to the old sovereignty of the monarch would now be held in like subordination to the new sovereignty of the people. The mere change of government effected by the revolution clearly could not enlarge existing rights of foreigners within the country revolutionized. It may much more be questioned whether it did not impair or abrogate them.

But the committee deem it unnecessary to pursue this inquiry. All they seek to establish is that by the revolution the Republic of Guatemala was remitted, over its whole territory, to the same sovereignty which anterior thereto was acknowledged in Spain, and, of consequence, that sovereignty, or the "high domain," over so much of the territory of Guatemala as under former treaties was in the occupancy of British subjects now resides in the people or the Republic of Guatemala, as theretofore it was acknowledged by England to reside in the monarch of Spain. The committee find the same view as to the transfer of sovereignty over the territory occupied by the British settlements at Belize taken by the late able Secretary of State, Mr. Webster, in 1841.

In a letter addressed by him to William S. Murphy, esq., special and confidential agent of the United States to Central America, dated 6th August of that year, they find the following:

In 1835 the Government of Central America asked for the mediation of this Government with that of Great Britain, with the view to restrain the British settlers at Belize, in Honduras, from trespassing upon territory beyond the confines allotted to them by the treaties between Great Britain and Spain in regard to that settlement; Central America, so far as its territory was embraced by the limits mentioned in those covenants, having of course succeeded to all the rights of Spain.

The Confederation of Central America was dissolved in 1839, and thenceforth each of the five States composing it became a separate and independent power, and are so held and treated by the United States and, it is believed, by all European powers. Even Spain has contracted treaties with two of them; that is to say, with Nicaragua and with Costa Rica; the others, as the committee are informed, not having yet sent ministers to that power.

The committee so far have conducted the inquiry upon the assumption that these British settlements on the Belize lie altogether within the territory of the Republic of Guatemala. They are, however, aware that this assumption may not pass unquestioned. In the treaty between Great Britain and Mexico, signed at London December 26, 1826, it would seem, from expressions contained in the fourteenth article, that it was considered between those two powers these settlements might be in whole or in part within the limits of Mexico, in the State or province of Yucatan. And by some of the European geographers (not Spanish) they are spoken of as in Yucatan. From the best sources of information, however, open to the committee, they have formed a decided opinion that the boundaries allotted to these settlements by the treaties of 1783 and 1786, before referred to, lie within the Republic of Guatemala.

In the year 1822, one year after Guatemala had declared its independence, that State, together with Salvador and Honduras, were overpowered by Iturbide, then Emperor of Mexico, and annexed to the Mexican Empire. But this connection was a short one, for Iturbide, then declining in power, was unable to maintain the conquest; and in the following year the three States named succeeded in shaking off the Mexican yoke, and entered into preliminary arrangements with the southern Republics of Nicaragua and Costa Rica for a confederacy, which was completed and proclaimed in 1824. The province of Chiapa alone, which had formerly pertained to Guatemala, adhered to Mexico and remained a part of the Empire, as it is now of the Mexican Confederation. What pretensions Mexico may have set up (if any) affecting the boundaries of Guatemala so as to embrace the settlements at Belize, in consequence of this short and violent connection, the committee are not aware; but certain it is they were never acceded to by Guatemala.

It is well known that the actual boundaries between most of these Spanish provinces have never been definitively settled, yet they may be proximately ascertained by reference to mountains and rivers or to actual occupancy.

The Rio Hondo is, by treaty with Spain, the northern limit assigned to the English settlers; that river, it is claimed by Guatemala, lies wholly within its territory. In a work entitled "A Descriptive, Historical, and Geographical Account of the Dominions of Spain in the Western Hemisphere," by R. H. Bonnycastle, captain in the corps of royal engineers, published in London in 1818, Vera Paz, which is the northern and western province of Guatemala, is bounded as follows: "On the north by the provinces of Chiapa and Yucatan; on the east by Honduras and the Bay or Gulf of Honduras; on the south by Guatemala (an interior department so named), and on the west by the Saine and Chiapa" (Vol. I, pp. 165, 166); and on the map which accompanies the volume, although on too small a scale to distinctly mark the boundaries, the river Wallis, or Belize, would appear marked in the province of Vera Paz. Again, in an atlas published in Guatemala, entitled "An Atlas of Guatemala, in eight maps; prepared and engraved in Guatemala by order of the chief of the State, C. D'Mariano Galves," in 1832, the northern and western boundary of Guatemala, although called "lindero indefinido" (line undefined), is thrown north of the Rio Hondo, which river, both on the map of the Republic of Guatemala and on that of the Department of Vera Paz contained in the atlas, is altogether within the limits of Vera Paz. This atlas has been published in a work entitled "Historical Sketch of the Revolu-

tions of Central America from 1811 to 1814," by Alejandro Marure, professor of history and geography in the Academy of Sciences of the State of Guatemala, etc., in 1837, by whom it was compiled. And the committee are informed that on the official map of Yucatan subscribed by Señor Negra, as commissioner of that province, published in 1848, the southern boundary of that State is established on the parallel of 18° north latitude. If this be so, then, according to the atlas of Señor Marure, the rivers Belize and Jupon, or Sipon (the latter of which is the southern limit of the British settlements), as well as part of the Rio Hondo, are within the province of Vera Paz.

In 1834 the State of Guatemala made a large grant of land to a company, on condition of actual settlement, "in the neighborhood of the Bay of Honduras," when the British authorities at Belize interposed and forbid the settlement, claiming that the grant was within their boundaries. This collision led the Government of Central America to make it the occasion of a special commission to England to settle and adjust the respective rights of the Republic of Guatemala and of Great Britain in reference to the British settlements in this quarter. This fact was communicated to the Government of the United States by M. Alvarez, secretary for foreign affairs of the Central American Confederation, in a dispatch to the Secretary of State dated December 30, 1834; and the good offices of this Government with the British Court were solicited in the proposed negotiation. In that dispatch the Secretary of State, reminded of the avowed policy of this Government concerning European colonization on the American continents, is referred "to the aggressions and encroachments at Belize upon the territory of Central America." The mission it appears was fruitless. The British Government, claiming that Don Juan Galindo, the minister, was a British subject by birth, refused to accredit him as the minister of Central America.

In one of the letters of this minister, Don Galindo, while in Washington, to the Secretary of State, dated June 3, 1835, he communicates a paper prepared and published in Guatemala by Señor Annitia, a member of the Federal Congress of Central America for the State of Guatemala, in which, reciting that the English settlements "between the Rio Hondo and the Belize are in our territory," an able and forcible exposition is made of the injury resulting to Central America by the smuggling openly carried on at the Belize in defiance of the revenue laws of the confederation, and a strong remonstrance against the pretension of the authorities there, claiming a right to occupy as they held in 1821 (the date of the revolution), and regardless of the treaty limits with Spain. In the letter of the minister for foreign affairs before referred to, this encroachment is stated at more than 45 leagues.

This question of boundary is one to be eventually adjusted only by the States and governments territorially interested in it. The concern of the United States is only as it may affect stipulations with Great Britain under the treaty of 1850. And independent, therefore, of the authorities above cited, respect for the Republic of Guatemala would require of this Government to recognize the boundaries she has prescribed for herself, at least until they are successfully controverted by those territorially interested. What is now the extent of claim or pretension on the part of Great Britain, either in regard to territory or dominion on the Gulf of Honduras, the committee have been unable satisfactorily to ascertain. In the unsettled condition of the country pending hostilities between Spain and the colonies it is very manifest that, whether with or without the sanction of the Brit-

ish Government, the settlers there pushed their occupancy far beyond the southern limits assigned to them by treaty; and it now appears that a right is asserted to maintain such occupancy as it stood in 1821, when the colonies were dismembered from Spain. These are questions properly belonging to the respective powers who claim on the one hand or contest on the other—that is to say, to Great Britain and Guatemala.

But the question of dominion is of a different character, and is one in the disposition of which this Government can never be indifferent. Whether it shall ultimately be determined that the English settlements on the Honduras are in Mexico or Guatemala, this question remains the same as regards the United States; and, as connected with their inquiry, the committee have considered it incumbent to express an opinion as to the character of the tenure by which those settlements are enjoyed by British subjects.

The anomalous character of these English settlements is well illustrated by the legislation of Great Britain concerning them. In the British statutes, presently referred to, it is clearly admitted by Parliament itself that they are not within the dominions of Great Britain, and it was found necessary to provide by special legislation for the punishment of crimes committed there by British subjects.

In 1817, the fifty-seventh year of the reign of George III, a statute was enacted entitled “An act for the more effectual punishment of murders and manslaughter committed in places not within His Majesty’s dominions,” the first section of which recites that—

Whereas grievous murders and manslaughters have been committed at the settlement in the Bay of Honduras, in South America, the same being a settlement for certain purposes in the possession and under the protection of His Majesty, but not within the territory and dominion of His Majesty, by persons residing and being within the said settlement.

And whereas “such crimes and offenses do escape unpunished by reason of the difficulty of bringing to trial the persons guilty thereof.” And it enacts “that from and after the passage of this act all murders and manslaughters committed, or that shall be committed, on land, at the said settlement in the Bay of Honduras, by any person or persons residing or being within the said settlement,” etc., “shall and may be tried and punished in any of His Majesty’s islands, plantations, colonies, dominions, forts, or factories under and by virtue of the King’s commissions which shall have been or shall hereafter be issued,” etc.

But this act, it seems, could not be carried into effect at the Belize, because it was found that there was no island there in the dominion of His Majesty, nor “plantation, colony, dominion, fort, or factory,” to which the King’s commission could be directed; and of consequence it was found necessary, by an amendatory act passed in 1819 (59 George III), to substitute a special tribunal, created thereby, at Belize for trial of such offenses, the same being rendered necessary, as recited in the act, because “of the great delay and difficulty of removing offenders in Honduras for trial in England, or to any of His Majesty’s islands, plantations, colonies, forts, or factories, such crimes do oftentimes escape unpunished.”

These statutes clearly show that so late as 1819 the Parliament of England did not claim or recognize the English settlements at Belize as being within the dominion of Great Britain, and, secondly, that England had no established authority there, even of the grade of plantation, fort, or factory.

The distinction between the "high" and the "useful" domain is fully recognized by all the publicists. It is said by Vattel (chap. 7, sec. 83) that "the useful domain, or the domain confined to rights that may belong to any individual in the state, may be separate from the sovereignty, and nothing prevents the possibility of its belonging to a nation in places that are not under her jurisdiction. Thus many sovereigns have fiefs and other possessions in the territories of another prince. In these cases they possess them in the manner of private individuals."

Neither can Great Britain claim that her rights in these "settlements" have been enlarged or her dominion improved by what the writers term "usucaption" or "prescription." Acquisitions of the latter character are founded on a presumed abandonment or desertion of a former sovereign, and by great lapse of time may be ripened into full or "high domain." But they are in their very nature of a character ~~adversary~~ to any other claim; they take their origin in a negation of title existing elsewhere. In the case in question the possession of Great Britain is directly referred to a full acknowledgment of domain or sovereignty in another power. The character of this possession has never been altered or enlarged, either by contract or adversary pretension, and it thence necessarily results that, after whatever lapse of time, it is still to be held to its original subordinate condition.

The committee next proceeded, as instructed by the resolution of the Senate, to inquire "whether any measures, and if any what, should be taken by the Senate in relation to the declaration annexed to the ratification on the part of Great Britain of the treaty concluded between that country and the United States April 19, 1850, and to the letter of the Secretary of State to the British minister on the exchange of ratifications."

By the treaty referred to it is stipulated by both the contracting parties that neither of them shall "occupy, or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America." Under the restrictions as they are above expressed, and without anything elsewhere in the treaty to explain, qualify, or alter them, the treaty was ratified by the Senate.

On the 29th of June in the same year the British minister at Washington, as preliminary to the exchange of ratifications, delivered officially to the Secretary of State the "declaration" referred to in the resolution of the Senate, in which it is set forth that he has received Her Majesty's instructions to declare that Her Majesty does not understand the engagements of that convention to apply to Her Majesty's settlement at Honduras or to its dependencies. Her Majesty's ratification of said convention is exchanged under the explicit declaration above mentioned.

And on the 4th July following the Secretary of State addressed an official note to the British minister at Washington, acknowledging the receipt of this declaration, in which he says:

The language of the first article of the convention concluded on the 19th day of April last between the United States and Great Britain, describing the country not to be occupied, etc., by either of the parties, was, as you know, twice approved by your Government, and it was neither understood by them nor by either of us—the negotiators—to include the British settlement in Honduras—commonly called British Honduras, as distinct from the State of Honduras—nor the small islands in the neighborhood of that settlement which may be known as its dependencies. To this settlement and these islands the treaty we negotiated was not intended by either of us to apply. The title to them it is now and has been my intention

throughout the whole negotiation to leave as the treaty leaves it, without denying, affirming, or in any way meddling with the same, just as it stood previously. The chairman of the Committee on Foreign Relations of the Senate, the Hon. William R. King, informs me that "the Senate perfectly understood that the treaty did not include British Honduras." It was understood to apply to, and does include, all the Central American States of Guatemala, Honduras, San Salvador, Nicaragua, and Costa Rica, with their just limits and proper dependencies. The difficulty that now arises seems to spring from the use in our convention of the term "Central America," which we adopted because Viscount Palmerston had assented to it and used it as the proper term, we naturally supposing that on this account it would be satisfactory to your Government. But if your Government now intend to delay the exchange of ratifications until we shall have fixed the precise limits of Central America, we must defer further action until we have further information on both sides, to which at present we have no means of resort, and which it is certain we could not obtain before the term fixed for exchanging the ratifications would expire. It is not to be imagined that such is the object of your Government; for not only would this course delay, but absolutely defeat the convention.

Of course no alteration could be made in the convention, as it now stands, without referring the same to the Senate, and I do not understand you as having authority to propose any alteration. But on some future occasion a conventional article, clearly stating what are the limits of Central America, might become advisable.

Under the reclamation contained in this declaration on the part of the British Government, and in the reply contained in the note of the Secretary of State, the ratifications were exchanged on the 4th July, 1850, and on the next day a memorandum having reference thereto was filed by the Secretary in his department in the following words:

[Memorandum.]

DEPARTMENT OF STATE,
Washington, July 5, 1850.

The within declaration of Sir H. L. Bulwer was received by me on the 29th day of June, 1850. In reply I wrote him my note of the 4th of July, acknowledging that I understood British Honduras was not embraced in the treaty of the 19th day of April last, but at the same time carefully declining to affirm or deny the British title in their settlement or its alleged dependencies. After signing my note last night I delivered it to Sir Henry, and we immediately proceeded, without any further or other action, to exchange the ratifications of said treaty. The consent of the Senate to the declaration was not required, and the treaty was ratified as it stood when it was made.

JOHN M. CLAYTON.

N. B.—The rights of no Central American State have been compromised by the treaty or by any part of the negotiations.

The terms of this declaration on the part of the British Government are full and explicit, and would seem intended to reserve the territory mentioned from the operation of the treaty; that is to say, if "Her Majesty's settlement at Honduras or its dependencies" did in fact form "part of Central America," then the treaty is to be so construed by the declaration as to exclude them from it.

The reply of the Secretary is amplified beyond the simple and precise meaning of the declaration. He says:

To this settlement and these islands (the alleged dependencies) the treaty we negotiated was not intended by either of us to apply.

Although the terms used by the Secretary would seem to be coextensive with those in the "declaration," yet the meaning he gives them is clearly developed in what immediately follows, by which he strictly confines them to the "title" only. He says, in substance, that nothing contained in the treaty was intended in any way to affect the title, whatever it might be, of Great Britain to those possessions. It was not to be affirmed or disaffirmed, but was to remain precisely

where the treaty found it. In further development of this meaning the Secretary proceeds:

The difficulty that now arises seems to spring from the use in our convention of the term "Central America," etc. But if your Government now intends to delay the exchange of ratifications until we shall have fixed the precise limits of Central America we must defer further action until we have further information on both sides, etc.

And again:

Of course no alteration could be made in the convention as it stands without referring the same to the Senate; and I do not understand you as having authority to propose any alteration. But on some future occasion a conventional article, clearly stating what are the limits of Central America, might become advisable.

It thus appears to the committee that the British Government required, as a condition to exchange of ratifications, an acknowledgment on the part of this Government that none of the "engagements" of the convention were to apply to their settlements at Honduras—that is to say, as to "colonizing," "occupying," "fortifying," etc. This was declined by the Secretary of State; but he admitted that nothing in the convention was to be considered as affecting the "title" of Great Britain to her possessions in that quarter, which was simply to remain unprejudiced by the treaty.

The geographic position of these settlements, and whether they are or are not in "Central America," is left entirely an open question so far as this letter of the Secretary is concerned. It affirms only that, wherever they be, the treaty is to have no effect upon the "title." And on this head he further explains himself that if the British Government means by its "declaration" to require a committal as to the precise limits of Central America, that could only be effected by an alteration of the treaty and a further reference to the Senate; yet, as it might become necessary at a future day for the two Governments to determine these limits, he suggests that it had better be left to a future "conventional article."

What occasion was there to determine the limits of Central America but to settle the question whether these British possessions were or were not within them; and thus whether the engagements of the treaty did or did not apply to them; and to do this, the Secretary informed the minister of England, would require an alteration of the treaty and a further reference to the Senate.

In this posture of the question made by the British "declaration," ratifications were formally exchanged by the British plenipotentiary, constituting a substantial waiver, or a reference to future negotiations of all that was not conceded by the Secretary's note. And the committee therefore conclude that the treaty remains unembarrassed in its operations by anything that intervened between its ratification by the Senate and its consummation by exchange of ratification, except so far as the "title" of Great Britain at the Belize may be concerned. Whether by fair and legitimate construction the text of the treaty would annul or impair this title and, in such case, what weight or efficiency should be ascribed to the concession of the Secretary of State, are questions which, in the opinion of the committee, it will be proper to consider only when they shall arise between the two Governments.

On the whole, the committee therefore report, as their opinion, to the Senate—

That the islands of Roatan, Bonacca, Utila, Barbarat, Helené, and Morat, in and near the Bay of Honduras, constitute part of the territory of the Republic of Honduras, and therefore form a part of "Central

America," and, in consequence, that any occupation or colonization of these islands by Great Britain would be a violation of the treaty of the 1st of April, 1850.

The committee, from the information before them, entertain a decided opinion that the British settlements at Belize, as defined by the treaties with Spain, lie within the territory of the Republic of Guatemala, and so equally constitute a part of "Central America." Should such be the fact, whilst the committee are not prepared to say that the engagements of the treaty of 1850 would require that those settlements shall be abandoned and discontinued on the part of Great Britain, yet this Government would have just cause of complaint against any extension of the limits of these settlements beyond those prescribed by Spain or as further allowed by the republics where they may be found, and that in any manner to enlarge or change the character of those settlements by any mode of jurisdiction would be in violation of said treaty.

And in the event of its being ascertained hereafter that these British settlements on Honduras Bay lie in whole or in part north and west of the proper boundaries of Guatemala, though they would not in such case form any part of Central America, and thus not within the strict engagements of the treaty, yet that any colonies or other permanent establishments there by Great Britain or any European power must necessarily excite the most anxious concern of this Government, and would, if persisted in, lead to consequences of most unpleasant character.

On the resolution of the Senate referred to the committee they report the following:

Resolved (as the opinion of the committee), That the declaration on the part of the British Government, and the reply thereto by the Secretary of State, as preliminary to the exchange of ratifications of the treaty concluded at Washington between the Governments of Great Britain and the United States on the 19th April, 1850, import nothing more than an admission on the part of the two Governments or their functionaries at the time of such exchange that nothing contained in the treaty was to be considered as affecting the title or existing rights of Great Britain to the English settlements in Honduras Bay.

And, consequently, in the opinion of the committee, that no measures are necessary on the part of the Senate to be taken because of such declaration and reply.

February 17, 1853.

On the message of the President in relation to the exchange of ratifications of the general convention with the Republic of San Salvador, Mr. Mason reported as follows:

Whereas the time limited by the resolution of the Senate of the twenty-seventh September, eighteen hundred and fifty, for the exchange of the ratifications of the general convention of peace, amity, commerce, and navigation between the United States and the Republic of San Salvador, concluded at Leon, in Nicaragua, on the second of January, eighteen hundred and fifty, having expired before the said exchange of ratifications could be effected, and the ratifications of the said general convention having been since exchanged, notwithstanding such limitation, but upon the condition that the said general convention is not to be binding upon either of the parties thereto, or to be published by either, until the Senate of the United

States shall have duly sanctioned the exchange of ratifications aforesaid: Therefore,

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the said exchange of ratifications of the general convention of peace, amity, commerce, and navigation between the United States and the Republic of San Salvador, concluded at Leon, in Nicaragua, on the second January, eighteen hundred and fifty, and the publication thereof, the limitations contained in the said general convention and in the resolution of the Senate of the twenty-seventh September, eighteen hundred and fifty, to the contrary notwithstanding.

(Ex. Jour., vol. 9, pp. 32, 144.)

THIRTY-THIRD CONGRESS, SPECIAL SESSION.

March 9, 1853.

Mr. Mason made the following report:

The Committee on Foreign Relations, to whom was referred the convention between the United States of America and the Kingdom of Belgium for regulating the right of inheriting and acquiring property, concluded at the city of Washington the 25th day of August, 1852, beg to report it to the Senate with certain amendments, and to recommend that the amendments be agreed to and that the convention be advised and consented to as amended.

The amendments are as follows:

Insert the following as a new article:

ARTICLE I. I. It is hereby understood that the stipulations of Article I, inasmuch as they concern immovable property, and that those of Article II shall be applicable in those States only of the Union the legislation of which is not contrary to said stipulations.

Change the numbers of the subsequent articles of the convention to correspond.

THIRTY-THIRD CONGRESS, FIRST SESSION.

January 24, 1854.

Mr. Mason made the following report:

The Committee on Foreign Relations, to whom was referred the treaty of friendship, commerce, and navigation between the United States and Paraguay, concluded and signed in the city of Assumption on the 4th day of March, 1853, beg to report the same to the Senate and to recommend its ratification with a supplemental article which, if adopted by Paraguay, shall be in lieu of the fifteenth article of the treaty, as follows:

Article 15. Strike out the following words: "And if a year before the expiration of that term neither the one nor the other contracting party shall announce by an official declaration its intention to put an end to the effect of said treaty, it shall continue for a year longer, so that it in this case (it) shall cease to be binding at the expiration of seven years, counted from the above-mentioned day of the exchange of the ratifications," and insert the following in lieu thereof: *And, further, until the end of twelve months after the Government of the*

United States of America, on the one part, or that of the Paraguay Government, on the other, shall have given notice of its intention of terminating the same.

(Ex. Jour., vol. 9, pp. 216, 316.)

March 9, 1854.

On the treaty with Mexico, Mr. Mason reported as follows:

The Committee on Foreign Relations, to whom was referred the treaty between the United States of America and the Mexican Republic, of the 30th December, 1853, report the same to the Senate with the following amendments:

Article 1, after the word "lake," at the end of the first clause, insert *Provided, That "the most northern part of the Gulf of California" mentioned in this article shall be indicated by a parallel of latitude to be drawn at the distance of one marine league from the most southern point of the island called "Montague Island," as the same is laid down on the chart of "the reconnaissance of the Colorado River," by George H. Derby, lieutenant, United States Topographical Engineers, December, 1850, which chart, attested by the signature of the Secretary of State of the United States, and bearing the seal of the Department of State of the United States, for greater certainty, is hereto annexed.*

Article 2, line 10, strike out the word "obligation" and insert *obligations.*

Article 2, line 12, after the word "Guadaloupe," insert *And the thirty-third article of a treaty of amity, commerce, and navigation between the United States of America and the United Mexican States concluded at Mexico on the 5th day of April, in the year 1831.*

Article 2, line 12, strike out the word "has" and insert *have.*

Article 2, line 13, strike out the word "is" and insert *are.*

Article 4, line 33, after the word "and," insert *whichever place of meeting may be designated.*

And the committee recommend that the amendments proposed by the President be agreed to by the Senate with the addition and modification specified in their proper places in the said amendments as following, viz:

Article 2, at the end thereof, add the following: *And the Government of Mexico agrees that the stipulations contained in this article to be performed by the United States shall be reciprocal, and Mexico shall be under like obligations to the United States and the citizens thereof as those hereinabove imposed on the latter in favor of the Republic of Mexico and Mexican citizens.*

Article 3, strike out the whole of the same and insert the following in lieu thereof:

ARTICLE 3. *In consideration of the grants received by the United States and the obligations relinquished by the Mexican Republic pursuant to this treaty, the former agree to pay to the latter the sum of fifteen millions of dollars in gold or silver coin at the Treasury in Washington, one-fifth of the amount on the exchange of ratifications of the present treaty at Washington and the remaining four-fifths in monthly installments of three millions each, with interest at the rate of six per cent per annum until the whole be paid, the Government of the United States reserving the right to pay up the whole sum of fifteen millions at an earlier date, as may be to it convenient.*

Here the committee recommend the addition of the following, viz:

That the last monthly installment as aforesaid be reserved by the Government of the United States until the boundaries prescribed in article 1 be "established" as provided for in said article.

Article 3, second clause, as proposed by the President, viz:

The United States also agree to assume all the claims of their citizens against the Mexican Republic which may have arisen under treaty or the law of nations since the date of the signature of the treaty of Guadalupe.

Here the committee recommend the insertion of the following modification, viz:

Including any just and proper indemnity to the holders of the so-called concession to Garay (being citizens of the United States), the character of which is known to the correspondence between the two Governments, but not to include compensation for any loss of anticipated profits.

The second clause of article 3, as proposed by the President, then proceeds as follows, viz:

And the Mexican Republic agrees to exonerate the United States of America from all claims of Mexico or Mexican citizens which may have arisen under treaty or the law of nations since the date of the treaty of Guadalupe, so that each Government in the most formal and effective manner shall be exempted and exonerated of all such obligations to each other respectively.

The following are the remaining amendments proposed by the President, viz: Article 8, after the word "attempts," in the twenty-eighth line of the printed copy, strike out the residue of the article, in the following words, viz: "They mutually and especially obligate themselves, in all cases of such lawless enterprises which may not have been prevented through the civil authorities before formation, to aid with the naval and military forces, on due notice being given by the aggrieved party of the aggressions of the citizens and subjects of the other, so that the lawless adventurers may be pursued and overtaken on the high seas, their elements of war destroyed, and the deluded captives held responsible in their persons and meet with the merited retribution inflicted by the laws of nations against all such disturbers of the peace and happiness of contiguous and friendly powers; it being understood that in all cases of successful pursuit and capture the delinquents so captured shall be judged and punished by the Government of that nation to which the vessel capturing them may belong, conformably to the laws of each nation."

In the concluding paragraph of the treaty, relating to the year of independence of the United States, strike out the word "seventy-seventh" and insert *seventy-eighth*.

(Ex Jour., vol. 9, pp. 260, 261, 262.)

March 28, 1854.

Mr. Mason reported as follows:

The Committee on Foreign Relations, to whom was referred communications from Senators in reply to the note of the Hon. David R. Atchison, President of the Senate, of the 25th February, written by order of the Senate of the 24th same month, have had the same under consideration, and now report:

The resolution of the Senate is as follows:

In Senate of the United States, in executive session, February 24, 1854.

Resolved, That the President of the Senate be directed to address a note on behalf of the Senate to each Senator, putting the following interrogatories:

1. Whether he has any information which will enable the Senate to ascertain in what way, or by whose instrumentality, the treaty with Mexico, and that with Great Britain relating to the copyright, and the amendment to the latter offered by a Senator from Massachusetts, or either of them, which are now depending before the Senate, have been disclosed, in violation of the thirty-ninth rule, and been published in the public journals.

2. Whether he has any information that will enable the Senate to ascertain in what way, or by whose instrumentality, the debates in the Senate and the remarks made in debate by individual Senators whilst the Senate was in executive session on the nomination of George N. Sanders as consul at London, were in like manner disclosed, in violation of the rules of the Senate, and been published in said journals; and that at the end of one week after the date of said note he communicate the replies that are received to the same to the Senate in executive session.

And the note of the President of the Senate addressed to each Senator is as follows:

[Confidential.]

SENATE OF THE UNITED STATES,
February 25, 1854.

SIR: As directed by the inclosed resolution of the Senate, I have the honor to transmit to you the interrogatories it contains.

I am, sir, your obedient servant,

D. R. ATCHISON,
President of the Senate, pro tempore.

Replies have been received and were before the committee from all the Senators constituting the present Congress, except Mr. Mallory.

Mr. Mallory, it is believed, was absent when the resolution of the Senate was adopted, and has not yet returned to this city.

The committee have examined the replies that have been received, and they are all in the negative to the interrogatories.

One alone (Mr. Chase), after such reply in the negative, adds:

That a correspondent of the press informed me that he transmitted to the paper with which he was connected a copy of the Mexican treaty. He did not inform me, nor do I know, how or from whom he obtained it, certainly not from me or through me.

The committee return herewith the replies in writing of the Senators to the interrogatories, fifty-nine in number.

The committee recommend that the said replies be preserved by the Secretary of the Senate, that this report be recommitted to the committee, and that the annexed resolution be adopted by the Senate:

Resolved, That the report concerning the violation of the rules of the Senate, in the publication of certain treaties and the promulgation of debate held in executive session, be recommitted to the Committee on Foreign Relations, with power to examine on oath, touching the said violation of the rules, the officers of the Senate, the persons employed to execute the confidential printing of the Senate, and any others in this city whom they may deem it fit to examine, and to that end to send for persons and papers.

(Ex. Jour., vol. 9, pp. 271, 272, 273.)

June 13, 1854.

[Senate Report No. 195.]

Report submitted by Mr. Slidell, from the Committee on Foreign Relations, on a resolution relative to the abrogation of the eighth article

of the treaty with Great Britain of the 9th of August, 1842, providing for maintaining a naval force on the coast of Africa, etc. :

The Committee on Foreign Relations, to whom was referred the resolution submitted by Mr. Slidell on the 29th May, 1854, "that, in the opinion of the Senate, it is expedient, and in conformity with the interests and sound policy of the United States, that the eighth article of the treaty between this Government and Great Britain, of the 9th of August, 1842, should be abrogated; and that, should the President of the United States concur in this opinion, he be requested to signify to the Government of Great Britain, in conformity with the eleventh article of that treaty, the wish of this Government to terminate the said eighth article," have had the same under consideration, and now respectfully report:

That by the eighth article of the treaty with Great Britain, made at Washington on the 9th of August, 1842, commonly known as the Ashburton treaty, "the parties mutually stipulate that each shall prepare, equip, and maintain in service, on the coast of Africa, a sufficient and adequate squadron, or naval force, of vessels of suitable numbers and descriptions, to carry, in all, not less than eighty guns, to enforce, separately and respectively, the laws, rights, and obligations of each of the two countries for the suppression of the slave trade; the said squadrons to be independent of each other; but the two Governments stipulating, nevertheless, to give such orders to the officers commanding their respective forces as shall enable them most effectually to act in concert and cooperation, upon mutual consultation, as exigencies may arise, for the attainment of the true object of this article; copies of all such orders to be communicated by each Government to the other respectively."

By the eleventh article of the same treaty it is declared that the eighth article shall be in force for five years from the date of exchange of the ratification, and afterwards until one or the other party shall signify a wish to terminate it.

The policy of stipulations of this kind with any foreign power, may well be questioned on general grounds; but your committee do not think it necessary to enter upon so large and debatable a field of discussion, and will confine themselves to an examination of the question whether, admitting the propriety and expediency of the measure at the time of its adoption, with the imperfect or erroneous information then possessed, it be not proper and expedient now to abrogate it. It was then supposed that the most efficient mode of suppressing the slave trade was to employ numerous cruisers on the coast of Africa, and the very caption of the treaty indicates the results that were expected to be obtained by it. It is entitled "A treaty to define and settle the boundaries between the Territories of the United States and the possessions of Her Britannic Majesty in North America, and for the final suppression of the African slave trade," etc. It was believed that the best point for the employment of a naval force for the attainment of an object which the people and Government of the United States desired quite as earnestly as Her Britannic Majesty and her subjects, was the coast of Africa. An experience of twelve years has demonstrated the fallacy of that opinion.

Large squadrons have been kept up during that period, by the two powers, at an enormous expense in money, and with a lamentable loss of life and destruction of the health of the officers and men employed in that noxious climate. And what has been the result? Let the record show. The British squadron comprises several steamers, counting, in all, 27 vessels, carrying about 300 guns and 3,000 men. The

annual expense of the squadron is £706,454—about \$3,500,000. This is the expense proper of the squadron. That of auxiliary establishments on the coast, connected with this service, and which might otherwise be dispensed with, is estimated at from £300,000 to £500,000. Take the lowest figure and you have \$1,500,000 to add to the direct cost of the squadron, making a total annual expenditure of \$5,000,000. In 1845 alone the number of deaths of officers and men was 259, of officers and men invalided, 271.

The United States have 4 vessels and 80 guns on the coast of Africa, being about one-eighth of our whole naval force afloat; and, as the estimated expenditure of the Navy, after deducting special objects, such as transportation of the mail in steamships, improvement of navy-yards, etc., is \$8,351,171, the annual cost of this squadron may be fairly calculated at \$800,000, or \$10,000 per gun. This, it will be observed, is considerable less than the cost per gun of the British squadron, which is about \$11,700.

It is a subject of congratulation, however, that for the last four years the mortality of our officers and men employed on this service bears a favorable comparison with that of other stations. This the Navy Department attributes to the extraordinary sanitary measures adopted by the officers of the squadron.

France, at one time, obliged herself to keep up an equal force with Great Britain on the coast of Africa, say 26 vessels, but finding the engagement too onerous, she applied to the British Government for a modification of the treaty, which was conceded, and she now has only twelve vessels so employed. There are no precise data on which the expenditure of France can be established, but estimating it by the proportion of vessels employed, say 12 to 26, it would be about \$1,600,000. The annual joint expenditure of England, France, and the United States thus appears to be \$7,400,000.

Mr. Hutt, the chairman of the select committee of the House of Commons appointed to investigate this question, stated on the 19th of March, 1850, "that the number of slaves exported from Africa had sunk down, in 1842, the very year of the negotiation of the Ashburton treaty, to very nearly 30,000. In 1843 it rose to 55,000; in 1846 it was 76,000; in 1847 it was 84,000, and was then in a state of unusual activity." Sir Charles Hotham, who commanded for several years on the coast of Africa, and who is one of the most distinguished officers of the British navy, on his examination before the select committee, thus replied to queries propounded to him:

Was the force under your command in a high state of discipline, generally speaking?

I thought so.

Were your views carried out by the officers under your command to your entire satisfaction?

Entirely so.

What was the result of your operations; did you succeed in stopping the slave trade?

No.

Did you cripple it to such an extent as is, in your opinion, calculated to give to the slave trade a permanent check?

No.

Do you consider that the slave trade has been generally regulated by the strength and efficiency of the British squadron on the coast, or by the commercial demand for slaves?

I consider it is entirely dependent upon the commercial demand for slaves, and has little or no connection with the squadron.

You think that the present system is open to many grave objections on other accounts, and that it will not succeed?

Experience has proven the present system to be futile.

The total result of the operations of our squadron during twelve years has been the capture of 14 vessels.

The African slave trade has, it is believed, been entirely suppressed in Brazil, and, in this hemisphere, the remaining colonies of Spain—Cuba and Porto Rico—are its only marts. Your committee think that if the American flag be still employed in this nefarious traffic, now prohibited by every Christian nation, and surreptitiously tolerated by Spain alone, the abuse can be more efficiently corrected by the employment of our cruisers in the vicinity of those islands.

It would seem to be almost superfluous on the part of your committee to say that, in recommending the adoption of the resolution under consideration, they repudiate the most remote intention of relaxing, in any degree, the stringency of our legislation on the subject of the African slave trade. Its continuance, while it is so justly odious on moral grounds, is in every way prejudicial to our commercial and agricultural interests.

The abrogation of the eighth article of the Ashburton treaty does not necessarily imply the purpose of withdrawing our squadron from the coast of Africa. A portion of it indeed must necessarily be retained there to protect our commerce. Its only effect will be to enable the Executive to employ the force now stationed there at any other point where its service may be more useful. We should still be bound by the eleventh article of the treaty of Ghent to use, in the language of that article, "our best endeavors to promote the desirable object of the entire abolition of the slave trade." And none can doubt that it will continue to be faithfully observed, as it has heretofore been, in letter and spirit.

Your committee recommend the adoption of the resolution.

(Ex. Jour., vol. 10, p. 110.)

July 11, 1854.

Mr. Mason made the following report:

The Committee on Foreign Relations, to whom was referred the treaty extending the right of fishing, and regulating the commerce and navigation between Her Britannic Majesty's possessions in North America and the United States, concluded in the city of Washington on the 5th day of June, 1854, between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, beg to report the same to the Senate without amendment and to submit the following report thereon:

It is not surprising that a proposition to admit any foreign coals into this country free of duty should receive opposition from the home coal interests. It may also be expected that such opposition will be aided by some other interests which condemn the principles of free and unrestricted trade and commerce and uphold the doctrine of protection by a high tariff of duties on such imports as may compete with our home industry.

It is freely conceded that if the policy of protection by such means can be constitutionally and rightfully maintained, there are no articles that have stronger claims to its enforcement in this behalf than the articles of coal and iron. They are both articles of prime necessity, and there are no convenient and sufficient substitutes for them available to the whole country. Every section of the confederacy teems with these important elements of national independence, prosperity, and wealth. Our mountains, plains, and valleys are filled with them,

in all their different varieties. Capital and labor and enterprise are, however, needed for their development. It will not be disputed in this paper that if the money, industry, and energy of our own people can be stimulated to engage in the work of development by legitimate means not prejudicial to other industrial interests those means should be adopted. That other interests should be sacrificed to uphold those of coal and iron, and that the latter, important as they are admitted to be, ought to control every or any other branch of home industry of any section of the Union, it is presumed will not be contended by the most zealous, certainly not by the most prudent and sagacious advocates of these two great mineral products.

The following memoranda show the duties that heretofore have been imposed on foreign coals imported into the United States, from the organization of the Federal Government up to this time:

Duties on imported coals.

By tariff of—	Cents.
July 4, 1789 (went into force August 1, 1789)..... per bushel...	2
August 10, 1790 (went into force December 31, 1790)..... do.....	3
May 2, 1792 (went into force June 30, 1792)..... do.....	4½
June 7, 1794 (went into force June 30, 1794)..... do.....	5
January 29, 1795 (went into force March 31, 1795)..... do.....	5
March 3, 1797 (went into force June 30, 1797)..... do.....	5
May 13, 1800 (went into force June 30, 1800)..... do.....	5
March 27, 1804 (went into force June 30, 1804)..... do.....	5
July 1, 1812 (went into force July 12, 1812)..... do.....	10
April 27, 1816 (went into force June 30, 1816)..... do.....	5
May 22, 1824 (went into force June 30, 1824)..... do.....	6
May 19, 1828 (went into force September 1, 1828)..... do.....	6
July 14, 1832 (went into force March 3, 1833)..... do.....	6

The compromise act of March 2, 1833, chapter 55, volume 3, Statutes of the United States, page 629, graduated the reduction of this duty by a prescribed scale.

By tariff of August 30, 1842 (went into force August 30, 1842), per ton, \$1.75, being about 69.28 per cent ad valorem; and the same act imposed a duty on coke, or culm of coal, of 5 cents per bushel, equal to about 161.94 per cent ad valorem.

By the tariff act of July 30, 1846, which went in force December 1, 1846, and is now in force, the duty on coals, coke, and culm is 30 per cent ad valorem.

The tariff bill reported by the Committee on Ways and Means of the House of Representatives at this session proposes a duty on imported coals and on coke or culm of 20 per cent ad valorem. Mr. Secretary Guthrie, in the finance report of this session, recommends coals and coke or culm to be charged 25 per cent ad valorem.

The British provinces of Nova Scotia and New Brunswick ask that, in this convention for the settlement of the fishery dispute and regulating the trade between the five British North American provinces and the United States, it may be stipulated that provincial coals be admitted into the United States, and United States coals into the provinces, free of duty.

Neither Canada, Prince Edward's Island, nor Newfoundland have any coal mines now worked, or that can be worked for many years, and the coal mines of New Brunswick are mostly in the interior and are not deemed of very great importance at the present time. Excepting for a species of asphaltum the New Brunswick mines have not been much worked of late years, and never profitably, and no coals of consequence have been exported from that province. Last year, it is believed, no coals or asphaltum were sent to the United States from New Brunswick, while considerable quantities of anthracite coal were sent thither from the United States.

Statement A (placed for convenience in an appendix), and the tables it contains, exhibit the extent and value of the coal mines in all the five provinces, their area, annual product heretofore and now, cost of coals at the mines, kinds and qualities of coals, etc.; also sundry British and colonial accounts of the exports from and imports into the colonies of coals for different past years, distinguishing their coal trade with the United States.

From the statement and accounts referred to it will be quite apparent that the only provincial coals imported into the United States the importation whereof can be increased, or that will be encouraged by the proposed reciprocal arrangement, are the coals of the province of Nova Scotia, usually called the "Pictou" or "Sidney" coals.

The following tables (B, C, D, E, and F) have been compiled from the officially published annual reports of the "Commerce and Navigation of the United States," by the Treasury Department, and in connection with the British and colonial accounts contained in statement A exhibit fully the trade of the United States in foreign and domestic coals with other countries:

B.—Statement of the quantity and value of coals imported and foreign coals exported from 1821 to 1853.

Year.	Coals imported.					Foreign coals exported.		
	Quantity.	Average cost per bushel.	Value.	Rate of duty per bushel.	Duties.	Quantity.	Average cost.	Value.
	<i>Bushels.</i>	<i>Cents.</i>	<i>Dollars.</i>	<i>Cents.</i>	<i>Dollars.</i>	<i>Bushels.</i>	<i>Cents.</i>	<i>Dollars.</i>
1821	627,737	14.55	91,352	5	31,386	8,318	29.45	2,450
1822	970,828	14.39	139,790	5	48,541	4,167	25.87	1,078
1823	854,983	13.05	111,639	5	42,749	2,846	38.82	1,105
1824	764,815	14.58	111,545		30,178	2,414	30.20	874
1825	722,255	15.02	108,527		43,335	4,140	31.04	1,285
1826	970,021	15.01	145,562		58,201	1,080	27.77	300
1827	1,127,388	12.05	142,677		67,643	180	36.66	66
1828	906,200	11.51	104,202	6	54,372	1,743	39.13	682
1829	1,272,970	11.47	145,992		70,378	4,758	44.01	2,094
1830	1,640,295	12.48	204,773		98,417	12,480	23.49	2,932
1831	1,022,245	10.59	108,250		61,334	4,339	23.05	998
1832	2,043,389	10.03	211,017		122,603			
1833	2,588,102	10.11	261,575		155,236	8,784	19.53	1,716
1834	2,005,522	9.98	200,277	5.60	112,303	15,326	20.36	3,120
1835	1,679,119	8.54	143,461	5.57	93,541	7,002	20.78	1,474
1836	3,036,083	8.07	244,966	5.12	155,531	16,450	32.63	5,367
1837	4,268,598	8.48	362,079	5.14	219,375	5,570	32.05	1,785
1838	3,614,320	8.53	308,501	4.71	170,316	75,371	27.27	20,554
1839	5,083,424	8.18	415,761	4.69	238,449	136,326	26.10	48,640
1840	4,500,287	8.49	387,238	4.23	195,149	152,987	25.12	38,437
1841	4,351,032	8.48	369,352	4.28	186,185	474,229	16.25	76,040
1842	3,962,610	9.61	380,635	4.30	170,492	392,754	13.68	53,716
	<i>Tons.</i>	<i>Per ton.</i>	<i>Dollars.</i>	<i>Per ton.</i>	<i>Dollars.</i>	<i>Tons.</i>	<i>Per ton.</i>	<i>Dollars.</i>
1843	41,163	\$2.83	116,312	\$1.75	72,035	8,557	\$4.02	34,414
1844	87,073	2.72	236,963		152,377	10,590	3.14	33,282
1845	85,776	2.61	223,919		150,108	11,364	3.16	35,957
1846	156,853	2.41	378,597		274,492	11,625	3.60	41,906
1847	148,021	2.51	370,985	30 per ct.	178,230	12,982	3.09	40,110
1848	196,251	2.35	461,140		138,342	12,298	2.77	34,143
1849	198,213	2.06	409,282		122,784	10,118	2.67	27,028
1850	180,439	2.10	378,817		113,645	6,480	2.62	16,962
1851	214,774	2.23	479,785		143,935	344	4.91	1,690
1852	183,015	2.22	406,841		122,052	850	3.39	1,189
1853	231,508	2.12	490,010		147,003	499	3.04	1,519

¹ Under the compromise act of March 2, 1833, chapter 55, volume 4, United States Statutes, page 629.

From 1821 to 1842, inclusive, the quantity imported and exported is stated in bushels. From 1843 to 1853 the quantity is given in tons.

The colonial currency is \$4 to the pound; the pound sterling is reckoned at \$4.84. A New Castle chaldron of coal is 53 hundredweight, or about 72 bushels. A Nova Scotia chaldron is 42 bushels (generally measuring 48), 3,300 pounds. A London chaldron is 36 bushels. A Boston retail chaldron is 2,500, sometimes 2,700 pounds. The ton is 2,240 pounds. (See act of Congress, August 30, 1842, vol. 5, L. U. S., p. 567.) Anthracite coals are always measured by the ton. Bituminous coals are estimated 28 bushels per ton. A bushel of dry bituminous coal weighs from 80 to 85 pounds.

C.—Imports into the United States of foreign mineral coals in 1850, 1851, 1852, and 1853 (years ending June 30), from Commerce and Navigation Report of the United States, showing the declared value per ton, and aggregate values and duties—duty 30 per cent ad valorem, under tariff of 1846.

[Vide Finance Report of 1853, p. 57.]

From—	1850 (page 256).			1851 (page 262).			1852 (page 254).		
	Tons.	Value per ton.	Value.	Tons.	Value per ton.	Value.	Tons.	Value per ton.	Value.
Sweden and Norway				305	\$1.41	\$431			
Denmark	63	\$2.84	\$179				70	\$5.05	\$354
Danish West Indies				6	2.50	15			
Holland	436	4.00	1,747						
Hanse Towns	22	2.68	59	430	2.68	1,155	170	1.45	247
Dutch West Indies	396	1.72	679						
England	78,550	2.21	181,111	94,161	2.56	251,100	87,805	2.64	231,662
Scotland	1,479	2.30	3,524	1,828	2.00	3,624	6,354	1.53	10,734
Ireland	847	2.22	1,902	350	1.92	674	918	1.86	1,713
British West Indies	66	3.15	207	3	3.00	9	74	1.70	125
British North American colonies	98,173	1.89	188,602	116,274	1.98	220,995	87,036	1.97	161,100
Canada	83	2.07	182	686	1.00	686	476	1.35	655
Cuba and Spanish West Indies	235	1.98	465	18	5.60	100			
Portugal				498	1.44	569	2	3.00	6
Gibraltar	89	1.60	161						
Azores				200	1.77	355			
Argentina				15	4.20	63			
Brazil							14	4.40	61
Chile							92	1.80	174
Belgium									
British Guiana									
Other countries									
Total	180,439	2.10	378,817	214,774	2.33	479,785	183,015	2.22	406,841
Imports of coke, culm.				Bu., 1,260		205			

From—	1853 (page 254).			Duties, 30 per cent.			
	Tons.	Value per ton.	Value.	1850.	1851.	1852.	1853.
Sweden and Norway	203	\$1.40	\$284		\$129		\$85
Denmark				\$511		\$109	
Danish West Indies	10	2.20	22		5		6
Holland				524			
Hanse Towns	199	2.66	529	17	346	74	158
Dutch West Indies				204			
England	102,668	2.48	260,971	54,333	75,532	64,498	72,294
Scotland	6,200	2.00	12,181	1,057	1,087	3,220	3,654
Ireland	883	2.55	2,183	570	202	514	651
British West Indies	206	2.00	413	62	3	37	124
British North American colonies	120,669	1.78	212,431	365	66,298	48,330	63,609
Canada	95	4.38	416	54	205	28	124
Cuba and Spanish West Indies	5	4.00	20	189	30		
Portugal				48	168	2	
Gibraltar				48			
Azores					106		
Argentine Republic					19		
Brazil						19	
Chile						52	
Belgium	206	2.56	755				220
British Guiana	64	2.72	174				59
Other countries	10	3.10	31				16
Total	231,508	2.12	490,010	113,645	143,935	122,052	147,003
Imports of coke, culm.	Bu., 50		18		61		5

NOTE.—For Canadian account of all imports into Canada of coals, same years (ending December 31, each year), see Statement A, Appendix; see also for Governor Sir G. Le Marchand's report of imports into and exports from Nova Scotia for year ending December 31, 1852, same Statement A; see also other British and colonial accounts of trade in coals in same statement. It is alleged the valuation is generally below the prices at places of shipment, and freight and insurance and expenses should be added to ascertain the value in the United States.

Exports of the United States of domestic mineral coals, and also of foreign mineral coals, from United States Report of Commerce and Navigation in 1850, 1851, 1852, and 1853.

D.—DOMESTIC COALS.

To—	1850 (page 40).			1851 (page 44).			1852 (page 38).			1853 (page 38).		
	Tons.	Value per ton.	Value.	Tons.	Value per ton.	Value.	Tons.	Value per ton.	Value.	Tons.	Value per ton.	Value.
Danish West Indies	-----	-----	-----	195	\$4.76	\$930	-----	-----	-----	6	\$4.33	\$26
British West Indies	2,561	\$3.93	\$10,090	4,217	4.07	17,181	9,178	\$4.00	\$36,752	11,039	4.26	47,108
Cuba and Spanish West Indies	8,368	4.25	35,598	13,859	4.25	57,833	8,673	4.12	35,737	18,478	4.22	78,050
Mexico	3,645	4.46	16,275	1,468	4.43	6,505	5,711	4.20	23,961	6,072	4.29	26,072
Republic of Central America	187	3.99	746	72	4.08	294	2,871	4.11	11,817	6,785	4.35	29,508
New Granada	10,124	4.49	45,478	6,666	4.75	31,709	5,488	4.34	23,931	10,261	4.28	43,957
Venezuela	3	4.16	25	20	4.85	97	640	4.17	2,668	59	4.00	238
Brazil	465	4.63	2,157	1,232	3.20	4,037	300	3.62	1,088	2,402	4.34	10,242
Republic of Uruguay	108	5.00	540	25	6.00	150	25	5.50	137	335	3.88	1,299
Argentina	-----	-----	-----	5	5.20	26	-----	-----	-----	460	3.55	1,633
Chile	1,576	5.24	8,256	5	5.00	25	100	3.50	350	340	4.04	1,382
Peru	1,523	5.63	8,566	-----	-----	-----	5	5.60	28	-----	-----	-----
Hanse Towns	-----	-----	-----	2	5.50	11	-----	-----	-----	-----	-----	-----
England	-----	-----	-----	10	5.50	55	-----	-----	-----	-----	-----	-----
Sardinia	-----	-----	-----	-----	-----	-----	-----	-----	-----	200	5.00	1,000
Africa	-----	-----	-----	-----	-----	-----	-----	-----	-----	321	4.75	4,375
British East Indies	-----	-----	-----	-----	-----	-----	-----	-----	-----	1,000	3.75	3,750
Australia	-----	-----	-----	-----	-----	-----	-----	-----	-----	215	4.34	943
South Sea and Pacific	-----	-----	-----	-----	-----	-----	-----	-----	-----	1,310	3.80	5,087
China	-----	-----	-----	-----	-----	-----	1,234	4.24	5,132	2,146	4.09	8,768
Canada	-----	-----	-----	-----	-----	-----	8,814	4.42	38,942	13,603	4.20	57,209
British North American colonies	9,070	4.05	36,813	8,125	4.56	37,122	-----	-----	-----	-----	-----	-----
-----	1,102	4.10	4,549	1,831	4.37	8,002	2,297	3.60	8,363	3,878	3.93	15,206
Total	38,741	4.31	167,000	37,727	4.34	163,977	45,336	4.17	188,906	79,510	4.23	336,003

E.—FOREIGN COALS.

To—	1850 (page 122).			1851 (page 126).			1852 (page 124).			1853 (page 120).		
	Tons.	Value per ton.	Value.	Tons.	Value per ton.	Value.	Tons.	Value per ton.	Value.	Tons.	Value per ton.	Value.
England	5,581	\$2.25	\$12,552	-----	-----	-----	-----	-----	-----	-----	-----	-----
British East Indies	-----	-----	-----	194	\$5.89	\$1,143	-----	-----	-----	-----	-----	-----
British West Indies	30	7.33	220	-----	-----	-----	-----	-----	-----	-----	-----	-----
British North American colonies	480	3.54	1,700	110	2.06	277	150	\$1.07	\$260	-----	-----	-----
Brazil	409	6.09	2,490	-----	-----	-----	-----	-----	-----	-----	-----	-----
Cuba	-----	-----	-----	40	6.75	270	-----	-----	-----	496	\$3.02	\$1,500
Dutch East Indies	-----	-----	-----	-----	-----	-----	150	4.00	610	-----	-----	-----
Dutch Guiana	-----	-----	-----	-----	-----	-----	-----	-----	-----	3	6.33	19
New Granada	-----	-----	-----	-----	-----	-----	50	6.40	319	-----	-----	-----
Total	6,450	-----	16,962	344	-----	1,690	350	-----	1,189	499	-----	1,519
From warehouse	6,380	-----	16,322	344	-----	1,690	300	-----	870	496	-----	1,500
Not entitled to drawback	130	-----	540	-----	-----	-----	50	-----	319	3	-----	19

F.—Shipping navigation in 1851, 1852, and 1853.

[Total imports and exports (domestic and foreign) into and from the United States, Great Britain, etc., and British North American colonies, and Canada, imports of coal, etc. Compiled from United States reports on commerce and navigation for said years.]

	Page of report.	1851.			
		American vessels.		Foreign vessels.	
		Quan- tity.	Value.	Quan- tity.	Value.
		<i>Tons.</i>	<i>Dollars.</i>	<i>Tons.</i>	<i>Dollars.</i>
Imports, total.....	270	-----	163,650,543	-----	52,574,389
From Great Britain and Ireland.....	-----	-----	67,756,079	-----	26,001,807
From British North American colonies.....	-----	-----	210,270	-----	1,526,381
From Canada.....	-----	-----	2,360,174	-----	2,596,297
Of coal, total.....	286	80,324	218,103	134,450	261,082
Exports:					
Domestic products, etc.....	46	-----	137,934,539	-----	58,755,179
To Great Britain and Ireland.....	-----	-----	74,408,212	-----	35,123,400
To British North American colonies.....	-----	-----	492,627	-----	2,731,926
To Canada.....	-----	-----	3,585,571	-----	2,250,263
Foreign products, etc.....	-----	-----	14,522,150	-----	7,176,143
To Great Britain and Ireland.....	132	-----	4,557,054	-----	3,856,349
To British North American colonies.....	-----	-----	82,703	-----	778,827
To Canada.....	-----	-----	945,163	-----	1,148,143
Vessels:		<i>Number.</i>	<i>Tons.</i>	<i>Number.</i>	<i>Tons.</i>
Cleared, total.....	291	9,274	3,200,519	10,712	1,929,538
To Great Britain and Ireland.....	200	749	643,216	472	300,888
To British North American colonies.....	-----	372	103,235	4,617	592,507
To Canada.....	-----	2,634	927,013	3,621	516,883
Entered, total.....	296	8,951	3,054,349	10,759	1,939,091
From Great Britain and Ireland.....	204	796	64,309	1,000	531,847
From British North American colonies.....	-----	327	62,458	3,989	362,218
From Canada.....	-----	2,925	1,013,276	3,634	514,363
Average of crews in foreign trade, total....	284	<i>Men.</i>	<i>Boys.</i>	<i>Men.</i>	<i>Boys.</i>
To and from Great Britain and Ireland.....	292	113,555	3,267	90,227	1,930
To and from British North American colonies.....	-----	18,362	86	14,089	212
To and from Canada.....	-----	2,803	40	24,577	290
	-----	39,994	2,621	23,699	1,355

	Page of report.	1852.			
		American vessels.		Foreign vessels.	
		Quan- tity.	Value.	Quan- tity.	Value.
		<i>Tons.</i>	<i>Dollars.</i>	<i>Tons.</i>	<i>Dollars.</i>
Imports, total.....	274	-----	155,258,467	-----	53,038,388
From Great Britain and Ireland.....	262	-----	50,193,928	-----	31,594,411
From British North American colonies.....	-----	-----	184,534	-----	1,335,796
From Canada.....	-----	-----	2,278,603	-----	2,311,396
Of coal, total.....	274	67,762	190,665	115,253	216,176
Exports:					
Domestic products, etc.....	40	-----	127,340,547	-----	65,028,497
To Great Britain and Ireland.....	-----	-----	64,346,304	-----	46,456,751
To British North American colonies.....	-----	-----	604,454	-----	2,045,680
To Canada.....	-----	-----	2,063,390	-----	1,921,045
Foreign products, etc.....	130	-----	12,136,360	-----	5,152,992
To Great Britain and Ireland.....	-----	-----	2,070,974	-----	1,693,326
To British North American colonies.....	-----	-----	88,997	-----	1,052,825
To Canada.....	-----	-----	1,753,631	-----	958,466
Vessels:		<i>Number.</i>	<i>Tons.</i>	<i>Number.</i>	<i>Tons.</i>
Cleared, total.....	279	10,887	3,230,591	10,435	2,047,755
To Great Britain and Ireland.....	278	779	696,450	590	427,765
To British North American colonies.....	-----	377	122,809	4,283	544,518
To Canada.....	-----	2,340	765,945	3,755	589,345
Entered, total.....	282	8,964	3,235,522	10,607	2,067,358
From Great Britain and Ireland.....	-----	927	776,971	926	545,164
From British North American colonies.....	-----	299	63,887	3,799	337,050
From Canada.....	-----	2,442	774,878	3,759	591,599
Average of crews in foreign trade, total....	252	<i>Men.</i>	<i>Boys.</i>	<i>Men.</i>	<i>Boys.</i>
To and from Great Britain and Ireland.....	6	114,665	1,575	97,281	1,496
To and from British North American colonies.....	293	21,073	88	16,818	125
To and from Canada.....	-----	3,117	24	22,370	170
	-----	31,957	1,070	40,480	158

F.—Shipping navigation in 1851, 1852, and 1853—Continued.

	Page of report.	1853.			
		American vessels.		Foreign vessels.	
		Quantity.	Value.	Quantity.	Value.
Imports, total	263	<i>Tons.</i>	<i>Dollars.</i>	<i>Tons.</i>	<i>Dollars.</i>
From Great Britain and Ireland.....	262		191,688,325		76,290,322
From British North American colonies.....			82,281,362		50,183,978
From Canada.....			318,058		1,954,544
Of coal, total.....	274	87,917	2,714,256	143,591	2,563,860
Exports:			230,366		259,644
Domestic products, etc.....			142,810,026		70,607,671
To Great Britain and Ireland.....			70,037,628		47,841,368
To British North American colonies.....			833,900		2,574,675
To Canada.....			1,789,512		2,216,009
Foreign products, etc.....	128		12,218,766		5,830,684
To Great Britain and Ireland.....			2,456,362		966,873
To British North American colonies.....			469,057		1,443,911
To Canada.....			2,800,547		1,523,040
Vessels:		<i>Number.</i>	<i>Tons.</i>	<i>Number.</i>	<i>Tons.</i>
Cleared, total	279	10,001	3,766,789	11,680	2,298,790
To Great Britain and Ireland.....		771	696,108	722	476,743
To British North American colonies.....		652	266,431	4,617	583,405
To Canada.....		3,210	1,962,068	4,465	734,029
Entered, total	283	9,955	4,004,013	11,722	2,277,930
From Great Britain and Ireland.....		1,021	855,081	940	583,967
From British North American colonies.....		402	112,335	4,037	395,693
From Canada.....		3,432	1,376,927	4,553	748,034
Average of crews in foreign trade, total	279	<i>Men.</i>	<i>Boys.</i>	<i>Men.</i>	<i>Boys.</i>
To and from Great Britain and Ireland.....	283	114,172	1,437	121,703	1,548
To and from British North American colonies.....		16,768	42	17,692	63
To and from Canada.....		6,431	19	24,265	106
		48,966	1,168	54,887	1,350

The first inquiry is, How will the proposed abrogation of the duty on provincial coals, imported into the United States, and a like abrogation of the provincial import duty on our coals affect our trade in coals with the Provinces, and particularly with Canada?

It is believed that it can be clearly and conclusively demonstrated by incontrovertible facts and arguments that the proposed measure can not, in any degree, injuriously affect our trade with Canada as to coals or any other product or manufactures.

The abrogation of the present *ad valorem* duty of 30 per cent (about 3 cents per bushel on provincial coals) can not induce to any importation into the United States of the coals of Nova Scotia for transportation across the United States to Canada, thereby competing with our exports of coals to Canada, for the following, amongst other, reasons:

1. By acts of Congress now in force all provincial coals and other products and merchandise intended to be transported across the United States to Canada may be entered for reexportation, or for such transportation, and sent to Canada free of all import duty by the United States. (Vide act of March 3, 1845, vol. 5, U. S. Stat., p. 750; act of August 8, 1846, vol. 10, ib., p. 77; act of March 30, 1849, ib., p. 399; act of September 26, 1850, ib., p. 512, §§ 17 and 18; and Warehouse act of 6th of August, 1846, ib., p. 33; and general drawback laws. Gordon's Dig. of 1852, pp. 836 to 857, arts. 2882 to 2946.) Under the acts cited Nova Scotia coals can now be sent to Canada via the United States without import duty being charged; so that, in this respect, the proposed arrangement affords them no advantage. From the United States returns (vide Statement D) of exports of domestic mineral coals in the four years ending June 30, 1853, it appears that the domestic

mineral coals sent to Canada in that period were, in quantity, 39,648 tons, at 4.29 cents per ton, of the value of \$170,176. By Statement E (a like return of exports of foreign mineral coals in the same period) it appears that there were no foreign coals whatever sent to Canada from the United States. We imported, same years, large quantities of foreign coals from England, Scotland, and Nova Scotia (vide Statement C), but not a bushel of it went to Canada. The small quantities that were not consumed in the United States, amounting altogether to about 7,673 tons, of the value of \$21,360, it seems, was all sent to England, to the coast and island, British North American colonies, to Brazil, to Cuba, to the British and Dutch East Indies, New Granada, or the British West Indies (see Statement E). It should be borne in mind also that during all that period United States coals sent to Canada were under the Canada tariff act of 1849 (vide I. D. Andrews's report of 1850, Thirty-first Congress, second session, p. 268, and British Parl. doc., report of December 23, 1852, p. 3) subjected to an import duty of $2\frac{1}{2}$ per cent ad valorem. This duty is proposed to be released, and the effect, therefore, of the proposed arrangement, it is fair to presume, would be beneficial rather than detrimental to our exportation of coals to Canada.

2. The transportation from Nova Scotia, existing about six months in the year, by the Gulf and river St. Lawrence to Lower Canada has been supposed to be cheaper than through our Atlantic seaports, and over our and the Canada railroads, and also to be more direct and attended with less transshipment and trouble; and yet the Canada account of the imports of coals into Canada from the coast and island colonies in the four years before mentioned shows that but £7,304 (colonial currency; vide Table 1 in Statement A), or \$29,216, worth of coals was sent to Canada from the coast and island colonies, not being an eighth of the quantity sent to Canada from the United States during the same period, it being by the same Canada account above cited valued at £59,431 (colonial currency), or \$237,724; and by the United States account (vide Statement D), as before mentioned, we sent to Canada in those years 39,648 tons; in value, \$170,176.

The apparent discrepancy between the United States and the Canada accounts is reconciled when it is considered that in Canada the fiscal year ends on the 31st of December of each year and in the United States on the 30th of June of each year since the act of August 26, 1842. (Vol. 5, Stat. U. S., p. 537.) It is quite manifest from these facts that even against the present import duty of $2\frac{1}{2}$ per cent ad valorem the Nova Scotia coals, carried by the Gulf and river St. Lawrence, can not compete successfully with ours in the Canada markets, though Nova Scotia coals pay no import duty in Canada.

3. If the Nova Scotia coals were as good as ours, they can not be furnished, even if free of duty, for transportation to Canada (either to Lower Canada or to Canada West) via our Atlantic seaports and railroads at as low a price per ton as similar bituminous and the semi-bituminous coals of the United States in the interior can be supplied to Canada. The bituminous and semibituminous and cannel coals of ultramontane Pennsylvania, of Ohio, of Michigan, of Indiana, of Illinois, and Wisconsin, and even those of Iowa and Kentucky and Missouri, may be supplied by our rivers, canals, and railroads, and by the Great Lakes to Upper Canada or Canada West cheaper than any coals of like kind and quality. All the lake States and the States adjoining to them have readier access to the Canadian markets than either Pictou or Sidney has to Boston. There is no anthracite coal

whatever abroad or at home that can be put into successful competition with that of cismontane Pennsylvania or Maryland or Virginia in the Canada markets.

4. The bituminous and semibituminous coals of Nova Scotia can not be substituted for the anthracite coal that we now send to Canada, because they will not answer the purposes for which the anthracite is needed in Canada. (Vide Statement A in Appendix.)

5. Our coals sent to Canada are exchanged for Canadian products which the Province of Nova Scotia can not receive in exchange for its coals to the same extent and for as high prices as we do, whilst our coals are taken in barter for such products.

6. The Canada trade with the United States above referred to is established and settled. Commercial connections have been formed and interests combined in the United States and Canada that will secure its continuance. This trade can not be disturbed, those connections broken up, or the interests referred to diverted by anything in the proposed reciprocity arrangement; but, on the contrary, the commercial connections referred to will become more extended, the interests strengthened, and the trade increased thereby. It is believed that a positive and exclusive dependence by Canada on the United States will ultimately grow out of the proposed arrangement as to many products and manufactures, and especially as to coals.

7. As it respects our exportation of domestic coals to the coast and island provinces, there is little doubt that the proposed arrangement would tend to increase the quantity exported. In the four years ending June 30, 1853, there were exported to those provinces (vide Statement D) 9,108 tons of domestic coals, being at \$3.96 per ton, of the value of \$36,120. Much of this, it is believed, was Pennsylvania anthracite coal. It appears from the colonial account of imports into Nova Scotia in the year ending December 31, 1852, that no coals were imported into that province during that year from the United States. The coals stated in the United States returns, therefore, must have been sent either to New Brunswick, Prince Edward's Island, or Newfoundland, or to some or all of them.

The following is an account of our exports of domestic coals to all countries for every year since 1847:

1848, tons, 9,309;	average cost per ton, \$5.06;	aggregate value, \$47,112.
1849, tons, 9,661;	average cost per ton, \$4.18;	aggregate value, \$40,396.
1850, tons, 38,741;	average cost per ton, \$4.31;	aggregate value, \$167,909.
1851, tons, 37,727;	average cost per ton, \$4.34;	aggregate value, \$163,977.
1852, tons, 45,338;	average cost per ton, \$4.17;	aggregate value, \$188,906.
1853, tons, 79,510;	average cost per ton, \$4.23;	aggregate value, \$336,003.

It is supposed a large portion of these coals are used by our own steamers in foreign trade.

8. The British Parliamentary document of December 23, 1852, before referred to, respecting the Canadian tariff, shows that by the Nova Scotia tariff of 31st of March, 1851, imported coals are exempted from duty (p. 4); and in New Brunswick, by an act of 28th of March, 1851, to continue in force till December 31, 1854, imported coals are charged a duty of 1 shilling (currency) per ton (p. 8); and in Prince Edward's Island, by an act of 3d of April, 1852 (p. 10), which act has been continued, coals imported into that Province are subject to a duty of 5 per cent ad valorem; and in Newfoundland (p. 11) imported coals are charged a duty of 1 shilling per ton. All these duties, so far as it respects United States coals, will be dispensed with by the proposed

arrangement. Their release will doubtless increase our exportations of our domestic mineral coals to the coast and island colonies; and so, on the other hand, if the arrangement should be broken off, and the five Provinces should impose precisely the same import duty on coals as the United States now do, or may do (whether 30, 25, or 20 per cent *ad valorem*), it is equally clear that we should soon cease sending any coals either to Canada or the other colonies. Nova Scotia and Great Britain would then supply Canada, Prince Edward's Island, and Newfoundland, and New Brunswick would be forced by necessity to supply herself either from Nova Scotia or Great Britain, or from her own internal resources.

9. Anthracite coal does not exist in any of the colonies. For some purposes, and especially for domestic fuel, it is superior to the best provincial coals, and indeed to the best English coals. It is particularly adapted to other uses than for domestic fuel, for which the highly bituminous coals of Nova Scotia are inferior. And further, our Cumberland and other semibituminous coals, it has been found, are better for steamships and some other uses than the Nova Scotia bituminous coals are; the latter being (to quote the language of a gentleman interested in the Nova Scotia mines) "more rapid in combustion and not so durable." On the other hand, for the making of gas and some (but very few) other uses, the Nova Scotia coals are preferable to most coals of the Atlantic States that are raised east of the Alleghany Mountains. If the reciprocal release of all duties is agreed to, each of the different varieties and qualities of coals in the United States and the five Provinces now known or that may hereafter be discovered will stand upon its relative merits as to adaptation to different uses and purposes, cheapness, facility, and certainty of procurement, and in all other respects in the markets of the United States and of the five colonies; and whether the coast and island colonies do or do not furnish an increased demand for our coals of any kind will depend on their superiority or inferiority to the colonial coals.

10. To rely in this age of philosophic and scientific experiment, discovery, and improvement, and of continual application of novel materials to the arts, upon the presumption that any particular species of coals will continue to maintain a present superiority over other coals, for any purpose or use, would be somewhat unwise. Lord Dudley first applied mineral coals to the manufacture of iron, and a century after, Huntsman first used them in making cast-steel. In 1783, Cort invented the process of puddling iron with mineral coals, and also of making bar iron by means of their use, and, in consequence, such coals were chiefly substituted in the iron works of Great Britain for charcoal, and Mushet's discovery as to the coking of coals was as late as 1801, and as recently as 1824 the black band ore, found by him in Scotland, was first used alone with the aid of mineral coals; and in 1833 the hot-blast furnace was first introduced by Neilson, of Glasgow (Scotland), and raw coals substituted for coke therein; and until 1837 anthracite coal was not successfully used with the hot blast in smelting iron, nor till 1841 for puddling and reheating iron, and various other discoveries have been recently made as to the qualities and properties of different coals, and even while this paper is being written a memorial is presented to Congress, by citizens of high respectability of this city, setting forth the discovery of a mode of compressing mineral coals, so as to enable a sufficiency to be carried by steamships for long voyages, and soliciting the Government to

patronize the invention. Whether our coals, or which kinds, or those of Nova Scotia, or those of Great Britain, are the best to employ for compression, experience can alone test.

The second inquiry is, How will the abrogation of the present duty affect our home coal interests and home trade in coals?

It may be that the release of the duty in the United States upon Nova Scotia coals, unless the mining company in Nova Scotia raises the prices of coals at the pit (as some apprehend), may increase to some extent the importation of Pictou and Sydney coals, and if new coal fields should be opened in Nova Scotia, New Brunswick, or Prince Edwards Island, or Newfoundland, of other provincial coals also, into the eastern Atlantic ports of the United States for consumption in New England, and if so, the prices of such coals in those markets will probably be lessened. All these coals are highly bituminous, and the chief consumption will be in the cities and towns of New England for gas, though in Maine, New Hampshire, and Vermont, and perhaps to a limited extent in Massachusetts, they may be used with other coals for puddling iron,¹ and for a few other purposes. But no use will probably be made of any provincial coals in New York, and certainly not farther south. Coals as good for making gas can now be supplied by Maryland and Virginia to New York, and at as low prices as any provincial coals.

Heretofore the chief imports of provincial coals into the United States have been into Boston. In 1853 nearly four-fifths of such imports were into that port. Statement C shows the amount of imports from all of the five colonies for four years ending June 30, 1853. A table annexed is based on returns from the custom-houses of the ports named therein and proves the facts just stated.

The additional supply of provincial coals thus furnished will necessarily induce a corresponding increase of the exports of our products and manufactures to Nova Scotia and the other three coast and island provinces wherewith to pay for such augmented supply unless the

¹ In the able pamphlet of John L. Hayes, esq., published in 1850, as a memorial to Congress in favor of an increase of the import-duty on foreign iron (p. 19), he states the following facts, which show that this coal can not be used so as to make any but inferior iron:

"The superiority of American over British iron is unquestionable. Part of the British iron is made from impure ores and sulphurous coal, and the efforts of the ironmasters are devoted, especially during periods of low prices, to increase of make and not of perfection of quality. In many establishments, and especially within the last year or two, iron is made from old refuse cinder, which is rich in metal, but contains all the impurities—sulphur, arsenic, and phosphorous—which deteriorate the iron. Mr. Mushet, an English metallurgist, son of the celebrated David Mushet, says that common Welsh bars do not contain more than 90 per cent of iron. 'We often hear,' says he, 'of extraordinary makes of pig iron as to quantity, but never hear at any work that bar iron has been produced equal in quality to foreign makes. On the contrary, the general quality of British iron is much lower than it was twenty years ago.' We have before us a letter from a former manager of iron works at South Wales, addressed to parties in this country, requesting employment as an inspector of rails. We make the following extract in proof of the above position: 'In consequence of the increased quantity of inferior materials now used in the manufacture of rails, it becomes the more important that foreign purchasers should employ an inspector who is thoroughly acquainted with every process in iron making, whose business would be to secure them from defective rails and secure a quality of iron possessing undoubted durability.'"

Mr. Overman, in his work on the manufacture of iron (p. 180), says:

"Sulphurous coal, by improper treatment, will produce sulphurous coke, and consequently sulphurous metal, which, in all subsequent manipulations, will be injurious, troublesome, and expensive.

"By sprinkling a little water over red-hot coke drawn freshly from the oven or pile we may ascertain whether it contains sulphur."

prices decrease in something like a corresponding ratio to the increased supply, as some intelligent gentlemen predict will be the case.

The following answers may, it is conceived, be properly and truthfully made to the second query above propounded:

1. It is not supposed that the increased importation of the provincial coals, all of which are highly bituminous, will in any degree interfere injuriously with the interests of the anthracite collieries of the United States; and, on the contrary, it is believed it will benefit the anthracite coal interests. Anthracite coal, as before suggested, is not found in any of the British North American colonies, and they will, if practicable, barter their coals for anthracite or otherwise procure and become large consumers of it for domestic fuel and other uses, to which it is peculiarly adapted and for which no colonial coals are equal to it. The exports of our domestic coals to Canada were in 1853 (vide Statement D) 13,603 tons, of the value of \$57,299, of which a considerable portion, it is believed, was anthracite; and to the coast and island colonies we sent 3,878 tons, of the value of \$15,206, most whereof was anthracite. This is the United States account, but the Canadian account, before referred to (No. 1, Statement A), makes the quantity sent to that Province appear greater. The fact suggested that provincial coals (Pictou, Sidney, etc.) are useful for other purposes that anthracite will not as well answer and that anthracite is necessary for certain uses for which the highly bituminous coals of Nova Scotia are worthless is abundantly proved by the documents contained in the Appendix.

2. The same fact just stated exists in respect of the semibituminous and bituminous coals of the Atlantic States, and the highly bituminous provincial coals, as is proved by the same evidence. They are of different qualities and characteristics in several respects, and adapted to different uses and purposes. The Statement A shows some of the peculiar qualities and characteristics of the provincial coals, and fully verifies the representation now made. They are sometimes valuable to be used with our anthracite and semibituminous coals; but the purposes are very few for which the provincial coals, to be used by themselves, are preferable to ours at the same or even less prices. When they are preferable for any particular use, they will find a market in the United States, even if the price paid is higher. This has been the case against the high import duty of 30 per cent ad valorem, exacted since the 1st of December, 1846, and the still more exorbitant tax upon the consumers in the United States of \$1.75 per ton, or about 69.28 per cent ad valorem, previously imposed by the tariff of 1842. The exports of provincial coals to us in 1853 were 120,764 tons, at \$1.76 per ton, equaling \$212,847; the duties were \$63,733. The valuation did not, of course, include the cost of freight from Nova Scotia, insurance, etc. Against the colonial exports heretofore stated, our exports to the provinces in 1853 were 17,481 tons, at \$3.57 per ton, equaling \$62,505.

In connection with this statement it should be observed that the British Cunard steamers, running between Liverpool and New York via Boston and Halifax, Nova Scotia, formerly used provincial—i. e., Pictou or Sydney—coals, those concerned in the steamers being also deeply interested in the Nova Scotia coal mines, and having the chief control and management of them; but, nevertheless, those steamers now principally consume Cumberland coals (Maryland and Pennsylvania) together with a small quantity of Lackawanna and Pittstown

(also Pennsylvania) and some Virginia coals, all the varieties amounting to nearly 50,000 tons annually, not included in the preceding accounts.

These statements show, on the one hand, that even if the cost of provincial coals, at the doors of the provincial consumer, is less than the cost of our coals there, yet he can not well, for some purposes, dispense with the use of our coals; and so, too, on the other hand, it is the same, to a limited extent, with respect to our purchases of Nova Scotia coals in Boston and New York. And they show, also, that the quantity of our coals consumed in the Provinces is much greater than that of the provincial coals consumed in the United States, in proportion to the population of the respective countries. It is conceived the conclusion thus deduced from the facts shown by these authentic statistics, that there is no cause for apprehension of detriment to our semi-bituminous or bituminous coal interests by the proposed arrangement, is incontrovertible, and that the abrogation by all parties of the duties on coals will tend to increase the trade in our coals of this character with the Provinces.

3. The several preceding statements, and those in the Appendix, show, that when provincial coals and coals of the United States of similar character and quality, and both intended to be applied to similar uses, come into our Atlantic markets, our coals may be furnished, and profitably, as cheap, even in Boston, as the provincial coals, though free of import duties; and especially since the recent vast increase of the facilities of railroad and canal transportation from our collieries in the interior to the Atlantic markets. The average of the wholesale prices current, for each six months of the last four years, of our different coals, and also of the Nova Scotia coals, in Boston, New York, Philadelphia, Baltimore, and Richmond, Va., and in Halifax, Nova Scotia, is given in the Appendix, proving the fact just asserted. Some of the causes are hereafter suggested to sustain that proof, and to show that the release of the United States import duty on the provincial coals will not materially alter the case.

4. Coal labor and most other labor is now ordinarily full as high at Pictou and Sidney as in most of the United States, except in some of the Southern States, and on the Pacific; and there is little probability of change in this respect. The following statement of British emigration, from 1851 to 1853, inclusive, shows that labor will not probably be cheapened in the coast and island colonies by European emigration. It is well known that many who emigrate to the colonies soon come to the United States; and most of the emigrants who stay in the colonies settle in Canada West.

Emigrants from the United Kingdom.

[Vide Statistical Abstract of United Kingdom from 1840 to 1853, p. 27, printed by Parliament in 1854.]

	To British North American colonies.	To United States.	To Australia.
1848.....	30,065	188,233	23,904
1849.....	41,367	219,450	32,101
1850.....	32,061	223,078	16,037
1851.....	42,005	267,857	25,532
1852.....	32,878	244,261	87,881
1853.....	34,249	228,152	63,460

The annual passenger report of Mr. Marcy, Secretary of State, at the present session of Congress (House of Representatives, Ex. Doc. No. 78, printed March 17, 1854, p. 23), shows that 163,200 emigrants arrived in the United States in 1853, besides the emigrants from Great Britain and Ireland and British America; and that the number from British America who came to the United States was 5,613.

In the rigorous climate of New Brunswick, Prince Edwards Island, Newfoundland, and Nova Scotia labor can not be employed so long, by several months during the year, nor as advantageously, as it can be farther south in the coal mines of the States of Pennsylvania, Maryland, Virginia, Ohio, Michigan, Indiana, Wisconsin, Iowa, Kentucky, Illinois, and Missouri.

5. Nova Scotia coals are subject to a duty, to be paid by the mining company, called a "royalty" or rent charge, of 2 shillings or 40 cents per chaldron at the pits. (See Statement A, Appendix.) This tax on the coals, which is reimbursed by the purchaser, for it is included in the price he pays, is differently stated in one of the documents annexed. It is said "the mining association pay a fixed rent to the Government for the privilege of raising 40,000 chaldrons, which amounts to about 1s. 10d. currency (37½ cents per chaldron), and 20 cents per chaldron on the quantity raised beyond that." Our coals are not burdened by any such governmental duty, nor by any duty.

6. The shipping season generally commences at Pictou and Sidney about the middle of May and continues until the middle of November, after which time usually they and the other northern harbors of Nova Scotia are frozen up. Pictou is distant from Boston about 700 miles, and Boston is distant from New York by sea about 200 miles, and from Philadelphia by sea about 500 miles, and from Baltimore by sea about 650 miles, and from Richmond, Va., by sea about 650 miles. From Richmond, Baltimore, and Philadelphia there is to New York shorter inland navigation. The navigation by sea between Boston and the three ports named south of Boston is open throughout the year; and but a small part of the inland navigation between New York and Richmond is ever closed, and rarely beyond a few days; and if necessity should arise, continuous and uninterrupted railroad transportation for coals can be made in a few days from Richmond to Boston. A comparison of the list of freights by sea for coals between the different ports named will show that they are ordinarily cheaper between the United States ports than between any of them and Pictou or Sydney.

7. It has been intimated that one cause of the occasional cheapness of European coals in our market has been that, owing in part to the effect and operation of our navigation laws and in part to the course of trade, foreign vessels (and especially the larger class of vessels) making voyages from the other side of the Atlantic to the United States, for cargoes of cotton, rice, tobacco, or other bulky Southern products, or flour, provisions, etc., of the West, also bulky, find difficulty in procuring full cargoes to this country. The shipments to this country from the Old World are principally light articles, not of great bulk, and valuable—i. e., manufactures and the like. In the limited direct trade between the Old World and the Southern ports of the United States especially is this the case; and in such trade also the European cargoes are generally "assorted." All foreign vessels are interdicted from participating in our coasting trade and also in our internal river trade. The main part (more than eight-tenths) of the

foreign vessels trading between the Old World and this country trade through the ports east of the Chesapeake Bay; and their deficiency of cargo, on the outward voyage from Europe, is often supplied by taking in salt or coals, and sometimes iron, that answer for ballast as well as lading, and which are carried very low and sometimes for merely nominal freight. This can not possibly be the case in the coal trade from the British North American colonies to the United States. On the contrary, the freights from the coast and island colonies are generally bulky and heavy, such as oils, fish, plaster, wood, etc., while the freights from the United States to the colonies (excepting flour and provisions) are generally light and of small bulk, such as tea, manufactures, etc. Therefore coals from the colonies must always pay freight, while the United States coals sent to the colonies (for similar reasons to those above stated as to the European shipments to us) may sometimes have to pay nominal freights merely.

8. The provincial official account of the exports from Nova Scotia (contained in the able official report of Governor Sir J. Gaspard Le Marchant to the Duke of Newcastle, dated October 28, 1853), gives the following items as to the exports of 1852:

Exports from Nova Scotia in 1852.

To—	Value.	
Great Britain, of all kinds.....	£62,677	\$250,704
British West Indies.....	213,034	852,136
Other British North American colonies.....	352,185	1,408,740
United States.....	257,850	1,031,400
All other countries.....	85,035	340,140
Aggregate	970,780	3,883,120

Exports of coals in 1852 from Nova Scotia (same report).

To—	Value.	
British West Indies (quantity not stated).....	£432	\$1,726
Other British North American colonies.....	16,925	67,700
United States.....	38,781	155,125
All other countries.....	769	3,705
Total exports of coals (112,559 tons).....	56,907	227,559

The Nova Scotia coals, if equal to ours in quality and general utility, and if they could be furnished as cheaply as ours, it would seem ought (if they were driven from our markets in consequence of the high import duty of 30 per cent ad valorem levied in the United States) to have found a market in other countries, where they could compete with ours on equal terms. We exported in our fiscal year of 1852 45,336 tons of domestic coals, valued at \$188,906, and among those exports were the following:

To—	Tons.	Value.
British West Indies	9,178	\$36,782
Cuba and Spanish West Indies.....	8,673	35,736
Mexico.....	5,711	23,961
Republic of Central America	2,817	11,817
New Granada.....	5,488	23,931
Venezuela.....	640	2,668

And it appears that our exports of domestic coals by the same

United States account, same year, to Canada alone were 8,814 tons, value, \$38,942, being more than half the value (\$67,700) above stated to have been the exports of Nova Scotia of coals, same year, to all of her sister provinces; and according to the official Canada returns of its imports of coals in 1852 (vide Statement A, No. 1), it appears there were but £1,127, or \$4,508 in value of coals imported into Canada that year from all the colonies, whilst the United States sent to Canada £13,005, or \$52,020 in value the same year.

These facts show that the Nova Scotia coals have not been able to compete with ours in foreign markets where they were on equal terms, or in the Canada markets, where the Nova Scotia coals had the advantage of the Canada import duty of 2½ per cent against us. Surely they afford no warrant for the prediction that a release of the duty now exacted will enable the Nova Scotia coals to compete with our coals in our own markets.

9. The uses to which mineral coals are applied in the United States are chiefly:

1. In the manufacture of pig iron, puddling iron, etc.
2. In the manufacture of bar, rolls, and other wrought iron.
3. In the manufacture of castings of metal.
4. Distilleries and chemical works.
5. For steam machinery in the manufacture of cotton goods.
6. For steam machinery in the manufacture of woolen goods.
7. For steam machinery used for printing presses.
8. For railroad locomotives.
9. For steamships, and steam lake, river, ferry, and harbor boats or tugs, and other craft propelled by steam power.
10. For fuel for all kinds of vessels.
11. For domestic fuel for dwellings and for culinary purposes.
12. For the making of gas.
13. For glass furnaces.
14. For the making of lime.
15. For black and white smiths, gunsmiths, tinsmiths, coppersmiths, armorers, brass and composition makers, instrument and tool makers, saw makers, cutlery makers, boiler makers, engine makers, and machinists, file cutters, nail manufacturers, plumbers, etc.
16. For every kind of steam power mills—sawmills, flour mills, plaster mills, oil mills, and in whatsoever business steam machinery is used.

Many of the manufactories of the United States are in proximity to the collieries from which the coals used are procured, and this is the case especially with respect to the iron manufactories of Pennsylvania, Maryland, Virginia, Ohio, Kentucky, Indiana, and Illinois, most of which are also contiguous to the deposits from which their iron ores are obtained.

So, too, with reference to the immense steam navigation on the Great Lakes and on our Western rivers, it is in the vicinity of the coal beds from which its supplies of fuel are received.

The expense of transportation by land or water, if for any considerable distance, is the most material item in estimating the cost of coals.¹

¹ NOTE.—Some years since two French metallurgists were sent to Great Britain from France to examine and report as to the British mines, etc. In reporting as to the iron furnaces near Glasgow, Scotland, these gentlemen (M. Dufrenay and M. De Beaumont) say: "The establishments in the environs of Glasgow have the inappreciable advantage of being placed in the center of a coal basin, in which are found united the coal, the mineral of iron, the flux, and almost always the refractory clay necessary for the construction of furnaces. Where all the material is taken from the same mine any number of furnaces and rolling mills can be included in one gigantic establishment, and the costs of superintendence and administration, which are borne by coal, in many of the works required in this country to produce the same quantity of iron, are there united to one. Favored by these facilities, the Scotch furnaces are able to make iron at a cost of only £2 0s. 3d. per ton."

10. The idea of Nova Scotia coals that must pay a rent charge of 2 shillings per ton before leaving the pits, that must encounter the expense of transportation by sea of 700 miles to Boston, or 900 miles to New York, or 1,200 miles to Philadelphia, and then be transshipped and sent overland, either through canals or by railroads or up rivers, to the places of consumption in the interior, and there undersell our coals raised in the vicinity, is utterly preposterous. Our coal fields and mines are as rich and productive as any in the world, and, as heretofore observed, the kinds and qualities of our coals in the different sections of this Union embrace nearly every known variety, though it is conceded that the Nova Scotia coals are different in one or two particulars from any description of our coals usually found in the markets of the Atlantic cities of the Middle and Eastern States. So far as that difference constitutes any superiority of the Nova Scotia coals for any specific use or purpose, they will find a market in those cities, but no farther, as it is undeniable that for general utility they are decidedly inferior to our coals.

11. Another important advantage possessed by the domestic coal interests of the United States over foreign coals is that purchases of our coals can ordinarily be made by consumers on easier terms and with greater convenience than can purchases of foreign coals, and so as to save the expense of the intervention of the numerous "middlemen" between the coal producer and the consumer, which can not well be avoided in purchasing foreign coals. In the neighborhood of our collieries, and in the vicinity of our primary coal marts, other domestic products or manufactures are often bartered for coals, and with mutual advantage to both parties. Arrangements for credits upon purchases can ordinarily be more readily made between the vendor and home purchaser of domestic coals than in respect of purchases of foreign coals. In many cases, except in the large cities, sales of domestic coals are not regulated by the strict rules of commercial usage controlling those of foreign coals. The practice in the United States, pursued more perhaps than in any other country, by all who raise products, of dispensing with mercantile agents and interchanging with one another their domestic commodities for home use and consumption, has grown up from relations and associations originating in different ways—sectional, State, neighborhood, social, and personal in their character—but the custom is so deeply rooted that it can not be changed. As to the domestic coal trade in this regard it will require something more than the release of the duty on provincial coals to unsettle it and change the established channels through which it has been conducted. Our people have become accustomed to this mode of doing business. Many different, important, and influential interests are combined to preserve the present course of trade, and it can not easily be subverted or disturbed.

12. The Statement A in the appendix shows that the Mining Association of the British provinces have had the management of the coal fields upward of a quarter of a century, and commenced working the Pictou and Sidney mines as long ago as 1827; and yet not 200,000 tons of coal have been raised from the mines in any one year. It would be a deplorable confession of our lack of enterprise and industry, and of our inferiority to the Nova Scotians, for us to apprehend (even if a change of the control of the mines favorable to their increased production should take place) any injurious competition from them in coals, either in our own or foreign markets. If it were possible that the entire laboring male population of Nova Scotia could engage in

coal mining, they could not produce 2,000,000 tons of coal annually. If they bought all their food and drink and raiment, all their necessities and luxuries, abandoned fishing, shipbuilding, and agriculture, and other employments of manual labor, and devoted themselves exclusively to raising, shipping, and selling coals to the United States, they could not materially affect the domestic coal interests of this country.

The stimulant to increased production given by the abrogation of the United States duty of 30 per cent can not provide them the means of increase. It will not change the tide of European emigration from the United States to Nova Scotia. The exoneration of their coals from this duty will not have the talismanic power of creating additional labor to raise, transport, and ship their coals, or to give the population of Nova Scotia and the other colonies the ability to consume or otherwise advantageously dispose of the additional stores of our manufactures and products which they must receive in payment for any augmented shipments of coals to us. In truth, its effects in any way will be limited as to both countries.

13. There is another consideration that should not be wholly lost sight of. The Statement A shows the character of the gigantic monopoly controlling the Nova Scotia and Cape Breton coal mines, compiled from unimpeachable authorities. An American author of high intelligence, Mr. R. C. Taylor, of Pennsylvania, in his *Statistics of Coal*, in writing on this very subject,¹ ridicules the apprehension of competition from these mines, managed under what he styles "the deplorable system," which must continue to be so long as the monopoly is continued.

But even if the effect of the proposed arrangement should be contrary to the opinions now advanced; if the prices of domestic coals to New England and other consumers of the United States are cheapened by the proposed reciprocal arrangement, the result should not be deprecated by this country. The advocates of the doctrine of protection to our domestic manufactures—our iron, cotton, and woollen establishments, whose aggregate capitals now exceed \$200,000,000, surely ought not to object; for all those manufactures will be immediately and directly benefited. So will our immense steam navigating interests on the seas, and in our rivers and lakes; and so will every branch of "home industry" that employs steam power and uses coals for fuel. It does not follow that a reduction of the price of coals involves the substitution of foreign coals for domestic coals. The Eastern manufacturer wants the domestic markets of Pennsylvania, Virginia, and Maryland, and the markets in their vicinity, west and south, wherein to dispose of his manufactures. If New England abandons the coals of those States, she is certain to lose (to some extent at least) their markets. Trade will regulate itself as to prices,

¹ NOTE.—Mr. Taylor, at page 189 of his valuable work, says: "In reciting these details, we, as well as our readers, can not omit to remark the injurious magnitude of such gigantic monopolies as the one before us. In this case it covers an extent of more than twelve millions of acres, or three times the size of Wales. It is scarcely necessary to say that its tendency is to impoverish the people, to destroy all energy in cultivating the abundant natural resources of a fine country, to prevent all fair and wholesome competition, to narrow the scope of active and productive industry, and to discourage all individual and general enterprise. On the continuance of such a deplorable system, the rival coal proprietors of the United States may well found their calculations of a remunerative internal trade in coal at home with even greater safety and certainty than on the influence of tariffs and the restrictions of international regulations."

and as to buyer and seller. It languishes when it ceases to be an interchange of commodities, at fair prices, to both. If domestic coals are reduced in price to the New England manufacturer by allowing the introduction of Nova Scotia coals free, he is enabled of course to manufacture cheaper, so that, in fact, the same quantity of Pennsylvania, Virginia, or Maryland coals will buy a like quantity and quality of manufactures as at this time. If the prices of the manufactures are lessened in a corresponding ratio to the diminution of the present price of coals, the coal producers and the manufacturer mutually realize the same profits as now.

A careful and impartial consideration of all the premises, it is submitted, will result in the conviction that any alarm lest the exoneration of Nova Scotia, or other provincial coals, from the duty of 30 per cent now levied in the United States, or from all duties, may be fraught with ruin to our domestic coal interests, is causeless. Pictou, or Sydney, or any other provincial coals can not thereby be enabled to supplant Pennsylvania, Maryland, or Virginia coals in the New England markets, or even to affect, injuriously, our domestic coal interests, whether of capital or labor, there or elsewhere. In truth the fear that our domestic coal trade, now amounting to more than 9,000,000 tons annually, and increasing at least half a million of tons every year, and the supply not then keeping up with the increasing home demand, can possibly receive detriment from the competition of the comparatively insignificant product of the provincial coal fields, that yield less than 200,000 tons per annum—from which, too, shipments can not be made but about half the year, and the coals also being all of one kind—and, if all the available aid in labor, shipping, and capital that can possibly be obtained to increase their production be estimated, and supposing that the colonies can consume or dispose of our products or manufactures, adequate to pay for the apprehended increase of the quantity of their coals sent to the United States will, it is conceived, be regarded as absurd by practical men of an ordinary degree of commercial intelligence. Instead of arguments of this character against the onerous tax, the people of the United States are compelled to pay for the privilege of using foreign coals, the possessors of coal fields, who entertain any such apprehensions, ought to use more economy, and superadded energy and industry in working their mines and transporting their coals to market. And such means may be safely and fully relied upon as all-sufficient to prevent Nova Scotia coals, and in fact all foreign coals, from injuriously affecting their just interests.

Monopolies created by legislation and upheld by legislation are partial and odious. Monopolies of energy, enterprise, and industry, not founded on invidious legislative protection, are the reverse. Experience has shown that in analogous cases the timidity and selfishness of property has imagined like evil results that never occurred.¹

¹ NOTE.—A memorable example of this occurred in 1846, when the coal interests remonstrated against the reduction of the duty of \$1.75 per ton on foreign coal, and predicted the destruction of the home coal interests. The intelligent Mr. R. C. Taylor, of Pennsylvania, in his work before cited, published in 1848, says:

“COAL TRADE BETWEEN BRITISH AMERICA AND THE UNITED STATES.

“During the discussion of the United States tariff bill of 1846 much anxiety was felt and expressed in the United States, but especially in Pennsylvania, as to the effect which a remission of so large an amount of the duty then imposed on the introduction of foreign coals might have on her home trade.

“It was shown, and may be confirmed by inspection of our own tables, that

In this instance the objection is a mere scarecrow. Neither the coal proprietors, nor the coal laborers, nor the coal consumers of this country, nor any interest of consequence, can be jeopardized by the proposed exoneration.

And if the proposed arrangement should cause a large increase of the shipments of coal from Nova Scotia to the United States, it is presumed that the exports from the United States to Nova Scotia of the cotton, rice, tar, pitch and turpentine, tobacco, and other products of the Southern States, and of the flour, provisions, etc., of the Western States, and of the anthracite and semibituminous coals of the Middle States, and of the manufactures of the Middle and Eastern States, via our Atlantic ports, will be augmented *pari passu* with the increase of our imports of Nova Scotia coals. This must be the inevitable effect of the laws of trade unless we send the specie to Nova Scotia to pay for the coals. It is probable, also, that such augmentation of our exports, in return for any additional quantity of Nova Scotia coals we may buy, will not be limited to the increase of our imports of coals merely. The effect of opening the Nova Scotia coal trade, if such increase should take place, will reach every article of trade and commerce between the United States and Nova Scotia, and especially those proposed to be reciprocally exempted from duties. Commerce begets commerce. And it is not doubted that if the Nova

while with the 1842 tariff duty of \$1.75 per ton, the increase of bituminous coal from the colonies into Boston, its principal market, was, in 1825, 65 per cent over the supply of 1844, the increase of Pennsylvania anthracite in the same market and at the same time was only 18½ per cent. It might with good reason, therefore, be inferred that on reducing the duty to about one-third of the sum heretofore paid the consequences would be a diminished demand for anthracite and the almost total exclusion of American bituminous coal from the Eastern States.

"This has not proved to be the result, for while the foreign coal of Boston, for instance, has remained nearly stationary under a low tariff, the home trade in anthracite has trebled.

"It seems to us that there is one view in relation to a reciprocal trade in coal which has heretofore been overlooked. Thus, Canada, although just now not a very important customer, is a purchaser of American coal to a certain extent. Thus, again, while the provinces of Nova Scotia and New Brunswick obtain a limited number of customers from one or two American ports in their vicinity, the coal proprietors of Pennsylvania, of Ohio, and ultimately of Michigan, will, in their turn, supply the adjacent provinces of Canada with the fuel of which they are in need. The colonial government imposes no tariff on this importation, although the American duty is 30 per cent on what is received in the United States, a tax equivalent to 65 cents per ton. As there exists no coal formation in all Canada, along a frontier of more than a thousand miles, as the wants of the people increase, as manufactories occasion new demands, with an increasing population, as the recent requirements of smelting within the mining regions call for an adequate supply of mineral fuel, it does appear to us that the Canadian provinces are destined to become extensive recipients of American coal, and to an amount ultimately that will immeasurably exceed the amount of Nova Scotia coal which may reach the American Atlantic ports.

"In consequence of the reduced duty on coal imported into the United States, an additional impulse was given toward the close of 1846 to the trade in coal from the British colonies. Some cargoes, of from 300 to 400 tons burthen each, were, on the passing of the act of Congress of July, 1846, at once chartered in London for this trade. The deep waters of the Northeastern coast allow the largest class of vessels to take in and deliver cargoes of Nova Scotia and Sydney coals, and hence they could bring it at a lower rate than the small vessels, which convey the Pennsylvania and Virginia coals, independently of avoiding the heavy charges on the American coal by railroads and inland navigation.

"For four years the admission of Nova Scotia coal had been increasing in the Eastern ports for the iron and other manufactures, for the supply of the Cunard steamers, and for various uses, in the face of a protective duty of \$2.25 per chaldron. With a diminished duty, therefore, it is probable a considerable demand for this description of coal will take place in these ports."

Scotia coal trade should increase, its direct effect will extend to and have a beneficial influence upon all the trade and commerce between the United States and New Brunswick, Prince Edwards Island, and Newfoundland, and soon reach and improve that between the United States and Canada. It will tend to stimulate and invigorate all our commerce with all of the colonies and give it activity, value, and permanence. The benefits thus resulting to various interests of the United States will more than counterbalance all the apprehended detriment that this country can receive by the cheapening of Nova Scotia coals and our domestic coals in our own markets and to our own consumers, if such should be the result.

That the foreign coal trade of the United States, or so far as it respects the importation of coals, and especially of coals from Nova Scotia, is now chiefly carried in foreign vessels is shown by Statement F, ante, page 6. As before stated, these importations are principally into Massachusetts, with small quantities to Rhode Island and New York. Some few vessels belonging to the United States, since the amelioration of the British navigation laws, obtain freights in New York or in New England ports for Nova Scotia, Newfoundland, Prince Edwards Island, or the New Brunswick ports on the Gulf of St. Lawrence, or the French fishing islands of St. Pierre or Miquelon, and make up their return cargo in part with Pictou or Sidney coals; but the trade is not very profitable to them. The same statement shows that in 1853 three-fourths of the entire trade between the United States and the coast and island colonies was in British colonial vessels. The carrying trade between the United States and Canada is quite equally divided between United States and Canadian vessels.

It is not doubted that the opening of the Nova Scotia coal trade, and the augmented commerce produced by the proposed system of reciprocal exemption of certain leading articles from import duties, will give a larger proportion of the carrying trade between us and the coast and island colonies, and between us and Canada, to our vessels. Our shipping merchants can then carry produce and manufactures from all of our ports in their own vessels to the colonies and dispose of them profitably; and a cargo of coals and other exempted articles which, if sold in the United States for cost and expenses and reasonable freight, without profit, would be advantageous, as employment is thereby afforded their vessels.¹

The fact that our Canada and other colonial trade and navigation now employ about thirty-eight one hundredths of the seamen, men and boys, of our entire mercantile marine in foreign trade (as is shown by Statement F, ante, p. 6), is worthy of consideration. The entire personnel of our mercantile marine in our foreign trade is now about 145,000 men and 1,500 boys, in all about 146,500, and it appears that the navigation of our vessels in the trade with Canada and the other four British North American colonies in the year ending June 30, 1853, employed 54,420 men and 1,200 boys, in all 55,620. Next to the whale and cod and mackerel fisheries, our trade and navigation with these colonies is the best nursery of, and school for, hardy, intelligent, and patriotic native American seamen possessed by the country. This

¹ "1848.—The expectation suggested in the last paragraph has not been exactly realized. That there has been no larger demand for the provincial coal we ascribe only to the simple fact that no bituminous coal will hereafter be able to supplant the use of anthracite for general purposes, and especially for domestic use."—(See page 200, Statistics of Coal.)

is a national interest of high importance and ought to be fostered and cherished by every national statesman. Additional employment to this branch of our navigation will stimulate and encourage the augmentation of a class of seamen, that whilst in peace they will aid in the extension of our commerce over every sea, may, in all emergencies, be implicitly relied upon to defend the rights of their country, and to sustain the honor of its flag upon the ocean in time of war.

The main object of those who understood the subject, in imposing by the tariff of 1842 the exorbitant duty of \$1.75 per ton (about 69.28 per cent ad valorem) on the importation of all foreign coals, was to repress the introduction of British coals into the United States, and thereby protect and encourage chiefly the domestic coal interests of Pennsylvania, Maryland, and Virginia; for if the measure affected the ultramontane coal interests at all, it was very slightly. And when the tariff of 1846 was passed, that this high exaction was only reduced to 30 per cent ad valorem may be ascribed also to the desire to maintain the same domestic coal interests. The coals of the provinces were not really regarded by the intelligent statesmen who favored the domestic coal interests as of sufficient consequence to require such measure to prevent competition by them with our coals, nor worth special exemption from the duty. The proposed reciprocal arrangement does not, if adopted, affect the duty on British coals, or any foreign coals, except those of the five British North American provinces. If the present tariff is not modified, the duty on British coals will remain as heretofore, since 1846. If Mr. Secretary Guthrie's recommendation is adopted, the duty will be reduced to 25 per cent ad valorem; or if the new tariff bill reported in the House of Representatives is passed as presented, the duty will be reduced to 20 per cent ad valorem. Many complain of the duties on coals because they are articles of general necessity and should be cheapened as much as possible to the consumer; and they insist that the present, and both the rates proposed as substitutes, are too high.

The various manufacturers who use mineral coals, and especially the iron and cotton and woolen manufacturers, contend that coals should be regarded the same as "raw material" for such manufactures, the taxation of which injures and discourages, instead of protecting and encouraging the manufacturer. They contend that, in proportion as the raw material is cheapened, they are enabled to furnish the manufactures cheaper. It is significant that in many and various memorials to Congress, and pamphlet publications found here, made by those who ask for Federal legislation in aid of our "home industry" engaged in the making of iron, the protection, in the same mode, of the domestic coal interests is not referred to favorably.¹ In truth, the iron interests and the coal interests are in this respect antagonistic to each other. The iron interests of the Atlantic States desire foreign competition with our domestic coals, in order that the prices of both may be reduced and that they may have a greater variety. And the interests of the other manufacturers using mineral coals, and of owners of steam mills and of those concerned in steam-

¹ In the memorial of the iron manufacturers of New England to Congress, asking for a modification of the tariff of 1846, presented in 1850, prepared by John L. Hayes, esq., of Maine, which is perhaps the ablest and most ingenious pamphlet published on that side of the question, at page 17 coals are referred to as not needing protection because under the tariff of 1846 "the price of combustible has increased."

ships and steamboats (which two last-named interests have increased vastly within the last ten years), and others concerned in steam are all on the side of "free trade in coals." Insomuch as the southern portion of the Confederacy below the parallel of 35° north latitude as yet uses but few mineral coals, the enhancement of the prices of foreign and domestic coals some 20 or 30 per cent in our Atlantic cities by a duty on imported coals to such amount, it is argued, is no detriment to that section; and also that, as below the same parallel there are but few domestic coals raised, except for consumption in the neighborhood of the mines, the benefits directly accruing to that section from the protection and encouragement of the domestic coal interests are quite limited. There are, however, statesmen who regard the high duties on coals as detrimental to the Southern cotton, rice, and tobacco interests, and to the Western grain and provision interests, and, in fact, to all our export interests. One of the injurious effects is to destroy the British markets for our products exported to the extent of the value of the British coals that would be exchanged for such products and imported into the United States but for the high duty; though at this time or hereafter it is not supposed that, if the present duty was wholly released, the shipments of British coals to the United States would be very greatly increased. Our imports in 1853 from Great Britain and Ireland were but 109,751 tons, of the value of \$275,335, but other circumstances than the high duties now operate to prevent any large importations of coals from Great Britain to the United States. If such increase was to take place, it would not affect any coal interests but those of the three Atlantic States above specified. It could not injuriously interfere with the coal interests of the interior States.

The State of Illinois, having the most extensive and valuable coal fields of any State of the confederacy, can never apprehend any injury to its coal interests from foreign competition in any quarter; nor can Iowa, that is supposed to rank next to her; nor Kentucky, that ranks next after Pennsylvania; nor Ohio, that ranks next after Kentucky; nor Indiana, Missouri, Michigan, Tennessee, and Wisconsin, that rank next in the order named. On the contrary, it may be confidently predicted that within a few years, so soon as the internal improvements already in progress, affording facilities for the transportation of their coals to the Atlantic markets, are completed, the competition of the ultramontane States with the Atlantic States in mineral coals will so reduce the price of our coals that there will be no rivalry from Great Britain or the British North American colonies, or from any other quarter of the Old or New World, in that commodity. It is believed that in less than twenty years there will be none but adventitious and incidental importations of foreign coals into the United States; and that we shall annually export hundreds of thousands of tons to other countries, and be enabled to undersell most foreign coals.

During the times when the doctrine of "protection of domestic industry" by a high tariff was in vogue, the most popular argument urged in favor of that policy was, that the result would be that our country would avoid all danger of ever being "dependent" on any foreign country. But now no intelligent citizen of the United States indulges any apprehensions that the free people of this confederacy can ever be made, by governmental action or nonaction, at home or abroad, "dependent" to an unwise extent, or unprofitably, and for a long time, upon the people of any country on the face of the globe, for any article

of necessity, or for but very few other commodities of high importance. Bounded by the Atlantic and Pacific oceans, with Europe and Africa on the one side and the isles of the Pacific and Asiatic seas and China and the East Indies on the other, with the West Indies and Cuba contiguous to and Mexico bordering us on the south, and on either ocean having ready access to the States still farther south of both American continents; extending over upward of 57 degrees of longitude; and from the forty-seventh to the twenty-fourth parallel of north latitude on the eastern, and from the forty-ninth to the thirty-first on the western side, with mighty rivers emptying into the Gulf of Mexico or one or the other ocean, reaching into the interior in every direction, and vast inland seas lying on our northeastern margin; with hundreds of millions of agricultural lands of unrivaled fertility, producing every agricultural product known to the same latitudes in other parts of the globe, and many not produced in other countries within the same parallels; with unnumbered herds and flocks; with prolific lake, river, and coast fisheries; with boundless forests of valuable timber; with exhaustless stores in our mountains, plains, and valleys throughout the Union, either of iron, copper, lead, zinc, coals, or gold, etc., comprising every variety of metals and minerals; rich in manufacturing, commercial, and maritime resources; and, above all, with a people free to exert their industry as they may choose, and of unsurpassed intelligence, enterprise, and energy; the idea of any "dependence" by the United States upon any other country for anything is out of the question.

One single product of our Southern States controls the labor of more than three millions of the population of Great Britain and Europe, and its being withheld from them for one year would involve them in distress. With the variety of climate of this confederacy, and its diversity of products for human subsistence, it is quite improbable that famine will ever extend over it all at the same time; and the same remark may be made as to the prevalence of pestilence in the United States. Countries that do not possess such variety of climate, and rely mainly upon the production of one or two articles of subsistence, liable to be affected by the same causes, are more exposed to such calamities, as was the case of Ireland in the famine of 1847 on the failure of its potato crop by the rot. But in this country a failure of crops in one part, or a failure of one product, can generally be supplied by the production of the other sections, or of other products not likely to be affected by the same causes, and such domestic products may be conveyed with facility and cheaply by our rivers, canals, and railroads pervading every portion of the Union (excepting as yet the newly acquired western and southwestern countries and the Pacific region), and thereby all necessity for a resort to foreign aid is avoided. The British North American colonies have not of themselves such resources. Their productions, whether of the forest or of the field, of the earth or of the sea, are more limited in variety, and particularly as to articles of necessity for human subsistence. They produce few of such articles in great abundance. They produce still fewer articles that are indispensable that we do not produce, or for which we have not available substitutes. We produce everything they can need in any exigency. Consequently the colonies must necessarily be dependent chiefly upon us, their nearest neighbors, in times of scarcity to supply a deficiency in the articles they produce, and at all times for the numerous articles that they do not produce and that we do. To

this inexorable decree of the God of nations, regulations as to trade and commerce made by either government must in the end yield. And, therefore, while we do not in any degree jeopard our independence by throwing open our ports, and our trade and commerce, wide and free, to these colonies, every such measure increases and strengthens their dependence upon us.

A statement annexed exhibits the coal statistics of the United States for 1840 and 1850, as compiled from the published and unpublished census returns of those years. It is to be regretted that they could not have been furnished less imperfectly. The detailed returns of some of the assistant United States marshals, who took the census of 1850, are represented to be confused and irregular. Those returns do not profess to give an account of any establishment, or manufactory, or work, or mine of which the annual product is less than \$500, and it is believed they understate the statistics as to those of which such product is over the sum specified, and many establishments are altogether omitted, and most of the compilations understate the marshal's returns. The officer having charge of the unpublished schedules, in communicating the paper from which the annexed statement has in part been prepared, says:

I believe the returns will be found to be in many cases greatly short of the fact.

Though after laborious examination of the different census accounts of 1850, to discover desired statistical information, the only thing certainly ascertained and established has been, that those who are in search of authentic and full information, if not satisfied of their disappointment in that quarter, are sure to be misled. Inasmuch as the unreliable character of these census reports is pretty generally understood, they have been appended hereto to pass for what they are worth. They can do no harm. The following is a synopsis of them:

Published census accounts of 1840 (p. 355):

Anthracite coal raised in the United States in 1840	tons..	863,849
Semi bituminous, bituminous, and cannel coals raised in the United States in 1840, 27,603,191 bushels, at 28 bushels per ton	tons..	985,824
Number of men employed in raising anthracite coal		3,013
Number of men employed in raising other coals		3,768
Capital invested in raising anthracite coals		\$4,355,602
Capital invested in raising other coals		\$1,868,862
Coals consumed in 1,699 iron manufactories in 1840 (p. 354)		\$1,528,110

Unpublished census accounts of 1850:

Number of coal-raising establishments		383
Product (bushels of coal at 28 bushels per ton)	tons..	4,408,750
Value at pits of coal raised		\$6,299,376
Number of men employed		13,875
Monthly wages		\$304,975
Capital invested		\$7,992,731

Whenever any State is omitted in the official return, or evidently stated incorrectly, the proper quantity has been estimated, and in every such instance it is so stated.

The foregoing items from the unpublished accounts of 1850, being as before observed, exceedingly deficient and imperfect, some remarks and notes are subjoined to the statement, to which attention should be given.

The published accounts of the census of 1850 furnish some data as to the coals consumed in the United States in that year, ending June 30, 1850. The items below given are taken from the Abstract of the Census, (pp. 154 to 160), which book seems to have been prepared

with care and statistical ability.¹ The number of colliers or coal traders in the United States in 1850, 2,948, and in which none are allowed to either Pennsylvania or Louisiana, and the numbers of different occupations, etc., have been taken from the published Census Report, pages 57 to 79, etc.

Coals raised and coals consumed in the United States in 1850.

[Domestic coals consumed in the United States in 1850, from Abstract of Census, pages 154 to 100.]

	Tons.
In 1,094 manufactories of cotton goods	121,099
In 1,559 manufactories of woolen goods	46,370
In 377 manufactories of pig iron	645,242
In 1,391 manufactories of castings	190,191
In 422 manufactories of wrought iron	538,063
Total quantity	1,540,965
The exports of domestic coals, same year, as per United States Report on Commerce and Navigation for 1850, p. 40, were (value, \$167,090) ..	38,781
Add estimated quantity of domestic coals consumed in the United States in 1850 for all other uses and purposes than above specified, and under statement of quantities above given, as was used in the manufactories mentioned	5,500,000

Estimated total quantity of coal raised in the United States in 1850. 7,079,746

The tons are estimated at 28 bushels per ton, and weighing 2,240 pounds.

The estimated value of the coals raised (7,079,746 tons), at \$2.50 per ton, average, for all kinds of coals, and in the various different localities where they are raised, is \$17,699.36.

The Abstract of the Census (*ibid.*) states, also, that the quantities of "coke, culm, and charcoal" used in the United States in the same manufactories above mentioned were as follows:

	Bushels.
In pig-iron manufactories	54,165,296
In castings	2,143,750
In wrought iron	14,510,828
Total	71,819,814

What quantities of "coke, culm, and charcoal" were used in the same year, 1850, for uses and purposes besides those above specified can not be stated from any certain data.

The imports into the United States of foreign coals for same year, 1850, and the exports of foreign coals, same year, were as follows (*vide* Statements B, C, and E).

¹ NOTE.—There were in 1850 colliers or coal traders, 2,948; employed in coal mines, 14,437; in cotton factories, 34,409; in woolen factories, 21,720; in iron foundries, furnaces, and rolling mills, 57,579; lime burners, 1,732; in saw, planing, and grist mills, 47,409; in glass factories, 5,433. Black and whitesmiths, 99,703; armorers, 469; bell and brass founders, 1,353; instrument makers, 2,756; boiler makers, 1,581; brass and composition makers, 573; coppersmiths, 1,760; cutlery makers, 892; file cutters, 291; gas fitters, 564; gas makers, 148; gunsmiths, 3,843; iron founders, 9,218; iron workers, 5,008; machinists, 24,095; nail manufacturers, 2,046; saw makers, 554; tinsmiths, 11,747.

The commerce and navigation report of 1850 shows the United States had then 525,946 tons of steam vessels. Since 1850 there has been built—in 1851, 233 steamers; in 1852, 259 steamers; and in 1853, 271 steamers; in all, 760, and the tonnage is stated at 604,616 tons, and it is estimated there are 2,000 steam vessels. There are upward of 20 steamships and vessels in the naval, revenue, and coast survey service, and 6 new steam frigates are to be built. The United States use at least 50,000 tons of coals annually in the different branches of the public service.

	Tons.	Value.
Imports of foreign coals into the United States in 1850.....	180,439	¹ \$378,817
Exports of foreign coals from the United States in 1850.....	6,480	² 66,962
Foreign coals consumed in the United States in 1850.....	173,959	311,855

¹ Page 256.² Page 123.

The memoranda in the Appendix contain estimates of the quantities of all the mineral coal (anthracite, semibituminous, bituminous, and cannel coals, etc.) raised in the United States in the year ending June 30, 1854, and also of the quantities supposed to have been raised in several of the different States in the same year, upon which the estimate as to 1854 are in part based. The absence of authentic and certain data whereon to found these estimates precludes the idea of their being advanced as anything else than conjectural indices, or approximations to the true quantities. Notice is made also of the movement and progress of the domestic coal trade, prices of different coals at different places in past years and in 1854, and the extraordinary increase of the raising of coals since 1819, unparalleled by that of any product of this country and, it is believed, of the world (except the cotton crop of the southern section of the United States), is also shown, and of the cost of transportation and prices of freights between different ports and places. The statistics therein given have been gathered from commercial newspapers and other publications of the United States. All the statements presented with this paper, stated to have been compiled from the returns of the United States Treasury, may be fully relied upon, as may also those taken from the official British and provincial returns.

An intelligent Boston merchant has suggested that the quantity annually used by New England, for two or three years past, of Pennsylvania, Virginia, and Maryland coals is an average of about 1,100,000 tons. A careful consideration of the statistics now presented has induced the opinion that the quantity stated is too small. This opinion is strengthened into conviction by the fact (proved beyond all question by the census returns for 1850) that in the year named at least 153,000 tons of mineral coal were consumed by the New England cotton, woolen, pig-iron, castings, and wrought-iron manufactories; and at least 5,500,000 bushels of coke, culm, and charcoal were also consumed in that year in the same pig-iron, castings, and wrought-iron manufactories. These quantities do not include the coals, etc., used for railroad locomotives, for domestic fuel, for glass manufactories, for gas, for other manufactories and mills, for printing presses, for steamships and steamboats, and many other purposes. They do not include the consumption by those whose establishments did not produce over \$500 annually. Nor is the consumption of these coals, etc., by the 13,932 black and white smiths, the 286 armorers, the 81 instrument makers, the 90 boiler makers, the 101 brass and composition makers, the 485 cutlery makers, the 318 glass manufacturers, the 46 file cutters, the 301 gunsmiths, the 9,741 machinists, the 940 nail manufacturers, the 69 saw makers, the 2,124 tinsmiths, or the 143 plumbers, etc., in the six New England States (vide Census Report, preface, page 57, etc.) included. Considering the increased consumption since 1850, it is confidently assumed that not less than 2,000,000 tons of mineral coals, etc., were consumed in New England during the fiscal year ending June 30, 1854. And nearly all of these coals were domestic, and

from the three Middle Atlantic States, before mentioned; and nearly the whole of the coke, culm, and charcoal used by the same consumers and others in the United States was domestic also, as but 50 tons were imported into the United States in 1853 and none in 1852. Not more than 110,000 tons of foreign coals, of which, say, about 20,000 tons was probably British and 90,000 tons Nova Scotia coals, it is estimated were used in all New England during the year 1854. The total imports of all foreign coals into the United States in 1853, less the exports of same coals, was 231,009 tons, of which 108,831 tons were from Great Britain and Ireland and 120,764 tons from the British North American colonies, and of which it is estimated that one-fifth of the European coals and four-fifths of the provincial coals so imported, being near the quantities just specified, were consumed in New England in 1853.

As the imports of foreign coals have not increased in the last year, the same estimate is made for 1854. The domestic coals exported in 1853 were 79,150. The quantity has increased in 1854. It is supposed that the domestic coals sold to foreign steamers for fuel, on their voyages from our ports on the Atlantic, in the Gulf of Mexico, on the Pacific, and in the great lakes (and therefore for foreign consumption, though not included in the accounts of domestic exports), if the quantities could be obtained, when added to the exports, would nearly equal the total of all the foreign coals imported and used in the United States. As before noticed, there is sold annually in Boston and New York quite 50,000 tons of Pennsylvania, Virginia, and Maryland semi-bituminous and bituminous coals to the British Cunard steamers alone.

Estimating the annual increase since 1850 at 10 per cent per annum, the quantity of coals raised in the United States in 1854 would be as follows:

	Tons.
Quantity estimated to have been raised in 1850.....	7,000,000
Ten per cent per annum increase for four years	2,800,000
Quantity raised in 1854	9,800,000

But to prevent the charge of overestimate, the quantity is now set down at 9,000,000 tons, which is certainly beneath the true quantity raised, and this does not include the quantity of domestic coke, culm, etc., that can not have fallen short of 90,000,000 bushels in the same year.

A statement in appendix contains an estimate, based on the best authorities that could be procured for reference, of the acres in square miles of the coal fields of some of the principal coal countries of the world, with their present supposed annual production and exportation. The areas of the different coal fields of Great Britain and the British Isles and Ireland have been variously estimated. The aggregate area of those fields is now generally set down at 11,860 square miles.¹ The annual production of these mines has also been differ-

¹ NOTE.—The statement referred to shows that Great Britain is first of the countries of the Old World as to extent of coal fields, production, and exports of coals, but the single State of Illinois has four times, and Iowa has twice the area of coal fields that Great Britain has. Virginia, Pennsylvania, Kentucky, and Ohio, each exceed Great Britain in such area, and Illinois, Iowa, and Virginia, each exceed such area in Great Britain and all Europe united. In production, Great Britain stands first, and the United States next; and of the United States, Pennsylvania far exceeds any other State in production, and in fact she produces more than half the entire quantity raised in the United States. The British North American provinces exceed in area the coal fields of Great Britain and all Europe together, but do not equal Virginia, Iowa, or Illinois. (See vol. 1, p. 26, Sir Charles Lyell's travels in the United States, describing the coal fields of Illinois, Indiana, and Kentucky.)

ently stated. The following statement gives the production for the year 1854 at 42,000,000 tons. The consumption and exportation is estimated as follows:

Production of coal in Great Britain and Ireland in 1854.

	Tons.
Domestic consumption and smaller manufactures	22, 600, 000
Production of pig iron	9, 500, 000
Cotton manufactures	1, 000, 000
Woolen, linen, and silk manufactures, etc.	1, 000, 000
Salt works	400, 000
Lime works	700, 000
Railroad carriages, steamers, etc.	1, 300, 000
Shipped from Great Britain to Ireland	1, 500, 000
Home consumption	38, 000, 000
Exports to colonies and to all foreign countries (see Table 2, in Appendix for 1852)	4, 000, 000
Total production in 1854	42, 000, 000

Mr. McCulloch in his *Commercial Dictionary* of 1847 (vol. 1, p. 298, London edition of 1850) gives the production at 34,600,000 tons for the year 1845. Mr. Spackman, in his work published in London in 1847, styled "*An Analysis of the Occupations of the People*" (p. 96), estimates the total production for 1846 at 38,400,000 tons. Inasmuch as the official returns of the exports of Great Britain for 1845 show that a greater quantity, by 731,000 tons, was exported to the colonies and foreign countries than Mr. McCulloch allows, it is presumed Mr. Spackman is the most correct; and Mr. McC., in his *Statistical Account of the British Empire*, published in London in 1847 (p. 599), says that 38,400,000 tons was, for 1846, "*moderately estimated.*"¹ When it is considered that less than 1½ per cent per annum is allowed for the increased consumption since 1846, and that no account is taken of the consumption of Ireland, except by including the exports to that island from Great Britain, it is believed this estimate of 42,000,000 tons for 1854 will be regarded as equally moderate. The estimated average value of these coals at the pits is about 10 shillings per ton, or £24,000,000. The average cost of these coals to consumers in cities and towns to which they can be transported readily and cheaply, and to purchasers in ports of shipment abroad, varies from 11 shillings to 35 shillings per ton.

The vast resources of the United States, both in coal and iron; the nearer equalization of the wages of labor in this and the Old World, continually taking place in consequence of the immigration of hundreds of thousands of the best European laborers hither every year; the fact that foreign capital is constantly seeking profitable and safe investments here to escape the apprehended political convulsions in the Old World; and the unequalled enterprise and industry of our people, caused by the cheering and invigorating influences of our republican institutions upon the workingmen, render it quite certain that in less than a quarter of a century we shall outstrip every nation on the globe in the production of coal and iron and in the manufacture of iron, and that we shall be in advance of every other people in agricultural products and in navigating and commercial resources.

¹ NOTE.—See also on this subject McQueen's *British Statistics*, London, 1834, pp. 70 to 74; Porter's *Progress of the Nation*, London, 1851, p. 274, etc.; Marshall's *Statistics of the British Empire*, London, 1836, p. 237; official *Statistical Abstract for United Kingdom*, to 1853, p. 16; R. C. Taylor's *Statistics of Coal*, Philadelphia, 1848, pp. 257, 258, 259, etc.

Coal and iron have been and yet are two of the most important elements of the vast wealth and gigantic power of the British Empire.¹

The attainment of her high position by us is not so likely to be accelerated or even aided by legislative restrictions as to the trade and commerce between this and other countries, or legislative efforts by us to stifle or depress the industry of any other nation, as it is to be retarded by such measures. Whatever increase may occur in the quantity of coals raised in this country, it will be less attributable to legislative wisdom in imposing fetters upon the foreign coal trade than to the superior natural advantages we possess in our rich and exhaustless coal fields; to the extended and increasing markets at home and abroad; to the rapidly augmenting facilities for the transportation of our coals from the interior to the seaboard markets, and to the energy of our citizens. No increase stimulated and quickened by restrictions in the form of onerous impost duties on foreign coal can be depended upon as permanent. Prosperity thus created is facititious and in continual peril. The Federal Government may rightfully, and ought to, encourage, advance, and protect the development of our home resources by providing for the use in our public works, and by our Army and Navy, of domestic coals and iron, even at a higher cost than the foreign articles, when the quality is equal. But generally "laissez les faire" is the true rule that the coal and iron interests of the United States should maintain. Stringent courses as to the trade and commerce of any other country, even if in retaliation for illiberal restrictions enforced against us, can not result in good to this, though they may harm the other, country. It is believed such illiberal policy is discarded by a large majority of the people of the United States. For the last fifteen years the most enlightened and free nations of the earth have been maintaining and putting into operation the wiser principles of "freedom of trade." We are in practice behind several of them; for the average rate of duty imposed by the tariff of 1846 is higher than the average rate prescribed by the

¹ NOTE.—British authors, in writing upon this subject, say:

"As respects the supply of coal, Britain is singularly favored, a large portion of the surface of the country having under it continuous and thick beds of this valuable mineral—vastly more precious to us than would have been the mines of the precious metals like those of Peru and Mexico; for coal, since it has been applied to the steam engine, is really hoarded power, applicable to almost every purpose which human labor, directed by ingenuity, can accomplish. It is the possession of her coal mines which has rendered Britain, in relation to the whole world, what a city is to the rural districts which surround it—The producer and dispenser of the various products of art and industry." (McCulloch's Dictionary of Commerce, p. 296.)

"The value of the mineral products of England would be great, inferior to what it actually is were it not for the abundant supply of good coal found in various districts of the Kingdom. It can not be necessary to point out the many advantages which it derives from the possession of our coal mines, the sources of greater riches than ever issued from the mines of Peru or from the diamond grounds at the base of the Neela Mulla Mountains. But for our command of fuel the inventions of Watt and Arkwright would have been of small account, our iron mines must long since have ceased to be worked, and nearly every important branch of manufacture which we now possess must have been rendered impracticable, or, at best, have been conducted upon a comparatively insignificant scale." (Porter's Progress of the British Nation, p. 273.)

"Our coal mines have been sometimes called the black Indies; and it is certain that they have conferred a thousand times more real advantage on us than we have derived from the conquest of the Mogul Empire, or than we should have reaped from the dominion of Mexico and Peru." (McCulloch's Account of the British Empire, vol. 1, p. 597.)

latest tariffs of Great Britain and her colonies, of France, and other countries, and even of the islands of Cuba and Porto Rico.

The new tariff proposed by the Treasury, and that recently reported by the Committee of Ways and Means of the House of Representatives of the United States, do not bring down the tax on imports to be paid by the consumer in the United States to the scale adopted in the countries named. Of course, to arrive at this result in each instance a few articles, such as tobacco (which pays nearly 1,200 per cent in Great Britain), are excluded from the general tariff. The highest duty exacted in the British North American colonies upon the importation of our products and merchandise into them does not exceed 12½ per cent ad valorem, and their free list is comparatively more liberal than ours; and it should also be borne in mind that our products and manufactures are admitted by the colonies on the same terms as the products and manufactures of Great Britain.

The increase of the demand for coals in the United States will be caused by the increase of the use of steam power of all kinds, steam manufactories, mills, steam vessels on the ocean and upon our inland waters, locomotives for railroads, and in the augmented use of coals for gas and for domestic fuel. Those most competent to form a correct opinion on this subject have not hesitated to express the conviction that for many years to come the supply in our country will not be equal to the demand for home consumption, and this year the deficiency will be near 500,000 tons, and that the demand will continue to exceed the supply, and require foreign importations to make up the deficiency until the coal fields of Illinois, Indiana, Ohio, etc., are more fully opened and a larger portion of their inexhaustible wealth brought into market. These coals do not as yet reach our seaboard markets, except in limited quantities. All the Atlantic cities rely principally on Pennsylvania, Virginia, and Maryland for domestic coal, and on Great Britain and Nova Scotia for their foreign coal.

The statistics annexed show how rapid has been the augmentation of Pennsylvania coals since 1819, and enable some comparison to be made between that State and other States.

In twenty years, it is repeated, no foreign coal whatever will be brought into the United States for use, unless of very peculiar qualities and for particular purposes. Great Britain and Ireland, it is stated, now raise 42,000,000 tons of coals annually, and export 4,000,000 tons, leaving 38,000,000 tons for home consumption.¹ Increasing as the

¹ Some English writers insist that the coal fields of Great Britain will yield a full supply of coals for several thousands of years—some for two, and some one thousand, and a few fall a little lower. Sir Robert Peel, when (July 25, 1834) he resisted the taking off the export duty on coals, said (vide Peel's Opinions and Speeches, p. 441): "I am not at all satisfied as to the proofs of the very abundant supply of coal in this country. I know that the reproduction of coal (and the evidence of reproduction is far from convincing: in fact, I may say that there is no positive evidence of a reproduction) is not so rapid as the consumption. Then our legislature is sure'y not to contemplate merely the present interests of the country; it is bound to look forward, even for a period of four hundred or five hundred years. In matters of legislation or fiscal arrangement, the interests of remote periods ought always to be considered, unless some immense ultimate advantage is to be gained. I am not satisfied that the supply of coals in this country—I mean of coals lying so near the surface as to be procured upon cheap and moderate terms—is so abundant as some honorable gentlemen suppose. That somewhere in the bosom of the earth there is a supply that may last for centuries I do not mean to deny; but if it has to be procured at such a cost as to render the price of coal in this country equal to what it is in foreign countries, there must be an end at once to the great advantage for manufacturing which we now enjoy."

use of coals is in the United States, it is not extravagant to estimate that in twenty years the home demand will exceed 20,000,000 of tons annually. The anthracite coal of Pennsylvania, Maryland, and Virginia will find its way west, and the bituminous coal of the same States continue to supply the Atlantic border; whilst the States of Illinois, Kentucky, Ohio, Indiana, Wisconsin, Iowa, and Missouri will meet the wants of the ultramontane region; but so soon as the railroad transportation contemplated is completed, all will send a portion of their vast stores of superior coal to the seaports for exportation, and at cheaper prices than any other coals can be supplied. A sagacious writer on the subject of the increase of coals in the United States estimates that in less than thirty years as much as 35,000,000 tons will be raised annually and find a profitable market.

It is not a little extraordinary that whilst most of the statesmen of this country denounce the restrictive tariff system, not yet extirpated from some of the despotic governmental senilities of the Old World, and boast that we are in advance of mankind in respect to the doctrines of "freedom of trade," some of them still cling to the protective duty on coals, in the face of the fact that Great Britain, Austria, Russia, the Netherlands, the Hanse Towns, Mexico, Sweden, Cuba, and some of the British colonies and several other countries have released all impositions upon foreign coals, and admit them free of charge or impost.

And why should consumers of coal in the United States—the manufacturers of cotton and wool, and pig iron and castings, and other manufactures—the railroads, the gaslight consumers, the steamship and steamboat owners, and the hundreds of thousands who use coal—be compelled by law to pay a tax of 30 per cent to the proprietors of domestic collieries for the privilege of using such foreign coal? If foreign coals are the best or the cheapest, there is no justice in coercing the coal consumers to pay 30 per cent, any more than to constrain by law the consumers of coffee or tea, or marble, or spices, or wines, or watches, or other foreign product or manufacture, and of many other articles of foreign merchandise, luxuries as well as necessities, now imported free of duty or proposed so to be.

With respect to the British North American colonies, the trade and commerce between us and them should be regarded as an American continental question. We should not be content with a narrow view of the present state of things merely. We should extend our vision to the future; and every American of intelligence must discern in that future the certain ultimate union of those colonies with the United States, if not in the same national government, in the closest bonds created by natural, commercial, and social relations, and connected

Again, June 18, 1842 (*ibid.* p. 442): "Coal is an article not capable of reproduction, one which this country possesses in greater abundance than any other."

And again, July 12, 1838 (*ibid.* p. 441): "I have foreseen the consequences of permitting foreigners to purchase our coal free for many years. I foresee the injury it will be likely to create as regards competition with foreign manufacturers, and it is the fault of this House that an exception has not been made with regard to this particular article, thereby securing to England the elements of future prosperity."

The British Government, however, yielded to the clamors of the coal proprietors (who, as all such interests are too prone, consulted their immediate present profit, rather than the welfare and future prosperity of their country) and repealed the export tax on coals. The United States are forbidden by the Federal Constitution to levy any such tax, and, besides, we have more than twelve times the coals Great Britain has.

and strengthened by the ties of interest growing out of their geographical relation to each other and to us.

The great masses of the people of the United States and of the British North American colonies speak the same language. They have similar laws, and like customs and habits; and there exists an unextinguishable congeniality of American sentiment and kindred feelings of American pride in both, which, if the United States are liberal as well as just, will secure to the colonies and to ourselves all the benefits which could result from the extension of our national governmental institutions over them, without any of the inconveniences or disadvantages or dangers which some apprehend may spring from their incorporation into the confederacy. By the sedulous cultivation of the sentiments and feelings just adverted to, with them and with our sister American republics south of us, a truly American system may be established in this hemisphere, despite the restrictive measures of the governments of Europe; and which system would, in a quarter of a century, control the trade and commerce and regulate the commercial law of the world. But if these colonies are forbidden by us to be our friends, if we treat them as if they were our enemies and antagonists, the very relation and position just referred to as held by them to us will tend to engender hostile feelings against us, and they will eventually become our enemies. Hence wise and patriotic policy should prompt every good citizen of the United States to cherish their good will, to foster and encourage every measure of conciliation, and to meet them on terms of liberal reciprocity, and even to go further in that direction than in their present colonial condition they can go. The United States can afford to do this. If trade, commerce, and navigation were as free, unrestricted, and unfettered between us and the colonies, with respect to all the products and manufactures of either, as they are between the several States of this confederacy, it would be mutually beneficial.

The arrangement proposed should be regarded as an American arrangement, and not as a British agreement. It is true it must at this time be made with the Imperial Government of the United Kingdom, though it is probable this is the last convention respecting the colonies as to which such necessity will exist.

The vastly superior strength and power of the United States, in comparison with the colonies, forbids the idea that an intelligent citizen of the United States can discover cause for serious apprehension of any great danger to us growing out of any hostilities with them.

The rapid growth of all of the colonies within the last twenty years, their hardy population, their valuable resources—particularly their fisheries—and their present shipbuilding and navigating capabilities, are sure evidences that their increase in wealth and power will be hereafter certain, steady, and permanent.

In less than a quarter of a century, it is probable, the settlement of Canada West will extend to the Pacific, and cover Vancouver Island on that ocean. Considered as a distinct people, the five colonies are now, of themselves, the fifth in rank in navigation, having nearly 600,000 tons, with an aggregate of imports and exports exceeding in 1854 \$80,000,000; and as to available, practical, maritime resources and strength they are in fact the fourth power of the world. It is estimated that one-third of their population have a practical knowledge of seafaring life. Their aggregate population is now nearly 3,000,000, and equals that of the six New England States. Deduct their joint contribution to the navigating and commercial resources

of Great Britain from her statistics, and she loses her so long-vaunted supremacy on the seas, and falls behind the United States.

The British North American colonies are at this time superior in every element of national strength and power to the "old thirteen United colonies of America," when, in 1776, they dissolved "all allegiance to the British Crown," and declared themselves "free, sovereign, and independent States." Some statesmen entertain the opinion that the probabilities of future collisions between the British colonies and the United States are stronger than as to any other people and the United States; and that a warlike contest with them, a few years hence, is more to be deprecated than a conflict with any European power, though the colonies should be unaided and alone.

As the coast and island colonies lie alongside of our commercial pathway across the Atlantic to northern and western Europe, in the event of war the entire force of our present navy would be required to blockade the colonial ports and coasts for the protection of our European commerce. Doubtless they could assail us in this way to our serious annoyance; and we could also, in such war, injure the colonies greatly; but in the end their harm would be our loss, as damage to us would in the same manner recoil upon themselves. No one can hesitate to concede the folly of such conflict on the part of both. Evil would ensue to both, but no possible good could grow out of it to either. The idea of a subjugation by the United States of the colonies, and retaining them against the wishes of the people (if it was not repugnant to the principles of our Government), is as impracticable as was the resolution of the ministers of George the Third, seventy-eight years ago, to reduce our rebel forefathers to submission.

Inasmuch, therefore, as history teaches, among other lessons of the perversity of mankind, that the very causes which ought to prevent collisions and wars between contiguous nations often create them, and that always when hostilities do ensue these causes augment their danger and aggravate their evils, the propriety will be conceded of reiterating the declaration that it becomes every true and loyal patriot of both countries to seize every opportunity of removing or obviating all possible pretexts for difficulty, and of adopting every means tending to prevent misunderstanding and ill feeling.

When Great Britain yields (as the debates in the British House of Lords of 14th and of 29th of June, 1854, and the proceedings on the Canadian bill clearly indicate she will ere long, with honor and grace and dignity and wisdom, yield) to the irreversible and inexorable fiat of destiny that these colonies are to become free republican States, independent of her except as the ties of common laws, a common language, and a common origin, and those growing out of their present connection, and the bonds created by commercial and social intimacy, may render them dependent upon each other; when with feelings of honest pride we can hail this new star in the constellation of American Republics, the interests and the duty of those who may administer the governmental institutions of both will prompt the establishment of a system of commercial intercourse between them untrammelled and unshackled by any exaction or any imposition. With such mutual arrangements and by the cultivation of harmony and peace, the two united will be a power paramount on the land and on the sea, at home and abroad, and not only superior to any now existing, but to any recorded in history. It will be the triumph of American principles and the establishment of American supremacy.

APPENDIX.

COAL IN THE BRITISH POSSESSIONS IN NORTH AMERICA.

Pacific country.—In the report of the exploring expedition by Captain Wilkes, United States Navy, it is stated that coals of good quality may be found on Vancouver's Island, but that the Hudson Bay Company had tried them, and owing to their being taken too near the surface they did not do well. Indications of coal are found in New Albion, near Frazers River.

[In Washington and Oregon Territories, on the United States side of the forty-ninth parallel, there is reported to be an abundance of coal. Governor Stevens states there are extensive supplies near Puget Sound.]

Canada.—No discoveries of coal fields have as yet been made in Upper Canada (Canada West) to justify the expectation of their being worked. (Andrews's Report of 1850, p. 83; Taylor's Statistics of Coal, p. 184; Martin's British Colonies, p. 181; McGregor's Com. Stat., vol. 5, p. 103.)

No. 1 (offent).—Statement of the quantities and values of coal imported into Canada during the years 1850, 1851, 1852, and 1853, distinguishing the countries whence imported, from inspector-general's office, customs department at Quebec, June 12, 1854:

	1850 (values).		1851 (values).		1852 (values).		1853 (values).	
Great Britain	£13,883	\$55,332	£24,500	\$98,000	£22,300	\$80,241	£20,060	\$80,200
British North American colonies	1,247	4,088	870	3,480	1,127	4,508	4,000	16,240
United States	8,006	34,424	10,765	43,000	13,005	52,620	27,055	108,220
Total	23,086	94,744	36,135	144,510	36,441	137,769	51,105	204,660
Tons imported		30,700		71,543		72,823		80,065

Prince Edward Island.—It is stated to be, "in respect of its geology, apparently a continuation of the great Nova Scotia and New Brunswick coal field," but no coals have been exported therefrom, nor any mines worked there. (Andrews, 1850, p. 83; Taylor, 205, and Map 208.)

Newfoundland.—Some coals have been found there, but no mines are worked. (Ib., and Martin, 161; Andrews's Report of 1852, p. 573.) McGregor (ib., p. 342) states that 365 tons were exported to the United States in 1335, 1840, and 1841; but it is presumed these were ballast coals from England.

New Brunswick.—There are extensive coal fields in the interior of this province. The area is estimated at 6,000 square miles, making with the other provinces 18,000 square miles. (Taylor, Int., p. xv.) The mines in this Province are described in Martin (p. 241) and Taylor (p. 186.) The coal mines have not been worked for some years, as the coals proved indifferent and the procuring of them unprofitable. Asphaltum is found in large quantities in New Brunswick. The official returns of the exports of coal from New Brunswick from 1828 to 1838 is as follows: 1828, 66 chaldrons; 1829, 133 chaldrons; 1830, 70 chaldrons; 1831, none; 1832, 3 chaldrons; 1833, 138 chaldrons; 1834, 687 chaldrons; 1835, 504 chaldrons; 1836, 17 chaldrons; 1837, 12 chaldrons, and 1838, none. (Martin, p. 244.) Andrews's Report, 1850, at pages below cited, gives the following accounts from the colonial returns:

New Brunswick, exports and imports.

Exports, 1840 (p. 422)—Chaldrons, 786, £1,187; to United States, £1,045; to colonies, £405.

Imports, 1840 (p. 422)—Chaldrons, 18,218, £18,715; from United States, £13; from colonies, £1,866; from Great Britain, £16,830.

Exports, 1843 (p. 400)—To United States, £1,642.

Imports, 1843, (p. 400,) chaldrons—from United States.

Exports, 1845 (p. 430)—Chaldrons, 2,011, £1,774; to United States, £1,099; to colonies, £105.

Imports, 1845 (p. 430)—Chaldrons, 20,191, £18,554; from United States, none; from colonies, £782; from Great Britain, £18,352.

Exports, 1848 (p. 404)—To United States, £470.

Imports, 1848, (p. 404,) chaldrons—from United States.

Exports, 1849 (p. 431)—Chaldrons, 1,812, £750; to United States, £624; to colonies, £126.

Imports, 1849 (p. 432)—Chaldrons, 24,488; from United States, £611; from colonies, £1,548; from Great Britain, £8,192.

Statements B, C, D, and E give the subsequent years from United States returns. A letter dated June 29, 1854, from a highly intelligent colonist, states: "No coals or asphalt went from this Province (New Brunswick) to the United States in 1853, while large quantities of anthracite were imported."

Nova Scotia.—The General Mining Association, as tenants of the British Crown and lessees of the late Duke of York, have a monopoly of all the mines and minerals in this Province, including Great Britain. The lease is for sixty years from 1827, at a rent of £3,000, equal to £3,333 currency, or \$13,332 per annum. It limits the quantity of coals to be raised to 20,000 Newcastle chaldrons, unless a tax or royalty of 2s. currency is paid for all over that quantity. In 1845 the limit was extended to 26,000 Newcastle chaldrons, or 52,000 London chaldrons, equal to 65,000 tons, or thereabouts. The capital of the company is £400,000, or \$1,986,000, and the association owns 14,000 acres of land.

The Albion mines near Pictou, the Sydney, the Bridgeport, and Bras D'or mines, on Cape Breton, and the Cumberland (Joggins), near the head of the Bay of Fundy, are all that have as yet been worked. The product of the latter is very small, and the "Joggins" coals are also said to be indifferent, though some years since anticipations were entertained of their being valuable. In Andrews's Report of 1850, p. 95, is a detailed statement of the Albion and Sydney mines from 1840 to 1848, inclusive (and coals, large and small, and siftings, are included), and it appears that in the nine years stated they both raised but 427,680 chaldrons, or about 535,000 tons, making an average of but about 59,444 tons raised per annum. At page 96, same book, is a like detailed abstract for 1849 of each one of all the five mines. It gives the following quantities in chaldrons:

	Raised.	Exported to United States.	To colonies.	Home consumption.
Cumberland, Joggins	922	201	600	54
Albion, Pictou	32,323	27,901	1,215	3,097
Sydney	20,482	6,005	7,376	12,456
Bridgeport	16			16
Bras D'or	200			20
Total chaldrons	59,944	34,812	9,397	15,823
Total tons	74,630	48,515	11,884	19,880

Statements of the products of these mines, other than the above, for different years anterior to 1849, and of the amount of royalty paid for coal raised, and the exports from and imports into Nova Scotia and Cape Breton prior to said year, both colonial and of the United States, are to be found in the following authorities: Martin (pp. 230, 233, 234); Taylor (199, 200); McGregor (296); Andrews's Report of 1850 (pp. 96, 97, 98, 348, 350, 362, 370 et passim). And all the data show that the total production of all those mines in no one year, prior to 1849, exceeded 200,000 tons, and the highest export to the United States of coal from them was in 1848, being 153,122 tons.

No official account of the entire product of these mines since 1849 is had; but the statements of the exports from Nova Scotia and Cape Breton of coal since that year, when compared with the product in 1849, above given, as to the proportion exported and that retained for home consumption (less than 29 per cent of the whole, and less than 50 per cent of the exports to the United States), will enable an estimate to be made of the annual product that will not be out of the way. The following statements are therefore given of the colonial accounts of the exports of coal to the United States from Nova Scotia, etc., being taken from Andrews's Report of 1852, at the pages cited:

The exports of coal from Great Britain and Ireland, to all countries, as stated in the British accounts, are as follows:

Years.	Tons.	Value.	
1840	1,000,000	£576,000	\$2,787,840
1845	2,511,282	773,635	4,711,393
1850	3,351,888	1,284,224	6,185,648
1851	3,444,515	1,302,473	6,306,669
1852	3,636,021	1,359,485	6,580,875

Exports from Nova Scotia of coal to the United States (colonial returns), from Andrews's Report of 1852.

Years, etc.	Chaldrons.	Tons.
1849 (p. 565).....	69,025	87,000
1850 (p. 565).....	71,472	89,475
1852 (p. 567).....	47,375	59,225

In 1852, according to governor Sir G. Le Marchand's official report of the province to the Duke of Newcastle, before referred to, the whole quantity exported was 112,559 tons—value, £36,907 c. c., equal to \$227,020; and the value of the coal exported to the United States was £38,781 c. c., equal to \$155,124; and to the British North American colonies, £16,925 c. c., equal to \$67,770; and to the British West Indies, £431 c. c., equal to \$1,724; and all other places, £709 c. c., equal to \$3,076.

A letter from E. Cunard, esq., dated July 5, 1854, gives the following statement of exports to the United States of all kinds of coal:

1851. From Pictou, 41,828 chaldrons; Sydney, 8,486 chaldrons; total, 50,314 chaldrons.

1852. From Pictou, 55,952 chaldrons; Sydney, 8,540 chaldrons; total, 64,492 chaldrons.

1853. From Pictou, 72,838 chaldrons; Sydney, 8,153 chaldrons; total, 80,991 chaldrons.

The following is from the United States Treasury accounts of imports of coal into the United States from Great Britain and Ireland and from the British North American colonies from 1843 to 1849, inclusive. The four years since are given in detail in Statement C, ante, page 4.

Years.	Great Britain and Ireland.		British North American colonies.	
	Tons.	Value.	Tons.	Value.
1843.....	27,132	\$83,918	13,185	\$28,794
1844.....	34,883	116,578	51,190	115,000
1845.....	27,394	90,718	52,207	122,075
1846.....	50,384	170,500	95,230	195,452
1847.....	55,100	174,050	92,180	194,173
1848.....	42,358	145,780	153,122	312,204
1849.....	65,148	100,912	93,250	245,840

And the account of the exports from the other colonies into Canada of coal for 1850, 1851, 1852, and 1853 (No. 1, below) shows that the entire value of all the colonial coal sent to Canada in these years was but £7,303 c. c., or \$29,212.

Imports of coal from British North American colonies into United States.

[From United States returns.]

Years.	Into United States.		Into Boston.		Into New York.		Into Philadelphia.	
	Tons.	Value.	Tons.	Value.	Tons.	Value.	Tons.	Value.
1850.....	98,256	\$188,784	55,730	\$105,291	12,900	\$20,434	2,488	\$4,541
1851.....	110,000	221,081	51,615	96,134	12,031	25,402	2,148	3,995
1852.....	87,512	161,704	68,713	120,037	6,943	14,718	7,262	13,314
1853.....	120,704	212,847	80,843	150,023	11,419	24,072	8,200	13,610

Statement of the principal coal countries of Europe and North America, the area, in square miles, of known coal fields in each, and the estimated production and exports of each in 1854.

Countries.	Area.	Production.	Exports.
	Sq. miles.	Tons.	Tons.
Great Britain, Ireland, and British Isles.....	1,100	42,000,000	4,000,000
Belgium.....	550	6,500,000	2,000,000
France.....	1,720	5,000,000	100,000
Prussia and Prussian States.....	600	4,500,000	1,000,000
Russia.....	Unknown.	1,300,000	None.
Austrian States.....	400	1,200,000	400,000
Spain.....	3,410	500,000	100,000
British North American colonies.....	18,000	200,000	140,000
United States.....	163,157	9,142,000	80,000

These figures are, of course, mere estimates based upon supposed increase of supposed product and exports of past years. The areas are taken from geological works of authority.

The increase of the exports of coal from the United States to Canada has been regular and steady since it first commenced, about fifteen years ago. It has now increased to upward of 18,000 tons annually.

The statements referred to at page 2, as being in this Appendix, as to prices of freights for coal between different ports, and as to prices of different coal at different places, are omitted for want of precise and authentic data in time to compile the same. From Pictou to Boston, \$3.50 per chaldron of 36 bushels is now ordinarily charged for freight; but freights and prices vary according to demand for vessels and for coal. (See Taylor, pp. 203 and 204, etc., as to prices of different coal, and relative value, etc.) So, inland transportation by railroads and canals, from collieries to the Atlantic ports, varies according to demand for coal; and, in fact, the cost of transportation pretty much regulates and controls the prices of coal. The coal interests, and those of the consumers, are generally subordinate to the railroad and canal interests in this respect, and with injurious effect. The statements as to the character and qualities of the different coals are omitted, because of the difficulty of condensing them so as to be satisfactory. (See Taylor, p. 193, etc., and Prof. Walter R. Johnson's Report to the Secretary of the Navy in 1843, Senate Document No. 386, first session Twenty-eighth Congress, on this subject.)

The increase of coal in Pennsylvania since 1819 has been from 365 tons that year of anthracite coal to 5,600,000 tons in 1854. A statement of the quantity of anthracite coal raised in that State from 1819 has been erroneously published, by Mr. McGregor and others, as being of the entire quantity of coal raised in the United States. It is of the anthracite coal raised in Pennsylvania alone. The accounts of semibituminous and bituminous coal raised in Pennsylvania can not be accurately obtained. At Pittsburg, in 1853, it is ascertained there were 22,305,000 bushels consumed, and 14,408,921 bushels were sent from the market of that city elsewhere, making 36,708,921 bushels, at 28 bushels per ton, equal to 1,311,033 tons at that point alone. (Statement of A. Cummings, esq., to Hon. J. Robbins, of Pennsylvania.)

Census returns of 1840 and 1850—Estimated area of coal fields, production in coal States in 1854, and kinds of coals.

States.	Returns of 1840 (p. 355).					
	Anthracite.			Bituminous.		
	Coals raised.	Men employed.	Capital invested.	Coals raised.	Men employed.	Capital invested.
	Tons.	Number.	Dollars.	Bushels.	Number.	Dollars.
New Hampshire				29,120		
Rhode Island	1,000	27	6,000	38,000	6	
Pennsylvania	850,000	2,977	4,334,102	11,030,654	1,798	300,416
Maryland				222,000	251	4,470
Virginia	200	2	100	10,022,345	995	1,801,855
North Carolina	50	4		75	1	
Alabama				23,050		
Arkansas				5,500	7	606
Tennessee				13,942	21	
Kentucky	2,125	27	14,150	598,167	213	78,027
Ohio	200	4	1,250	3,513,400	434	45,525
Indiana				242,040	47	9,300
Illinois	132	2		424,187	152	120,076
Missouri				249,302	69	9,488
Iowa				10,000	2	500
Total	1,863,489	3,043	4,355,002	27,003,191	3,768	1,868,862

¹ The States of Maine, Vermont, Massachusetts, Connecticut, New York, New Jersey, Delaware, South Carolina, Georgia, Florida, Mississippi, Louisiana, Texas, Michigan, and Wisconsin are all omitted in all of said accounts. California, Minnesota, New Mexico, Oregon, Utah, Kansas, and Nebraska were not included for obvious reasons; but some of the States named as omitted, it is believed, produced coals in 1840 and in 1850 also; and several of the States omitted have large coal fields.

² This quantity reduced to tons, at 28 bushels per ton, equals 985,824 tons, which, added to 863,489 of anthracite, makes 1,849,313 tons raised in the United States in 1840 of all kinds.

Census returns of 1840 and 1850—Estimated area of coal fields, etc.—Continued.

States.	Returns of 1850 (from unpublished returns).						
	All kinds of coal (28 bushels estimated to the ton).						
	Establish- ments.	Coals raised.	Coals raised.	Value of coals.	Men em- ployed.	Monthly wages.	Capital invested.
	Number.	Bushels.	Tons.	Dollars.	Number.	Dollars.	Dollars.
Rhode Island	1	.....	es. 7,500	22,500	40	800	30,000
Pennsylvania	240	.....	13,500,808	5,208,351	11,753	208,481	5,313,721
Maryland	3	.....	es. 98,000	100,000	210	5,450	2,005,000
Virginia	38	.....	es. 232,702	467,408	1,044	10,224	1,720,650
North Carolina .....	.....	.....	.....	.....	.....	.....	150
Alabama	8	.....	es. 6,373	12,747	55	744	6,835
Arkansas	1	.....	es. 250	500	2	30	150
Kentucky	44	1,225,000	es. 68,750	169,235	451	7,420	140,000
Ohio	28	.....	es. 47,350	94,700	187	4,085	55,075
Indiana	1	300,000	10,714	21,000	40	1,000	800
Illinois	6	9,578,500	342,080	65,585	63	2,202	100,500
Missouri	6	30,000	1,214	3,000	20	379	4,020
Iowa	1	.....	es. 2,000	4,000	4	100	2,000
Total	383	.....	4,408,750	6,200,376	13,875	304,075	7,992,731

States.	Area of coal fields in the United States, kinds of coal, and esti- mated production in 1854.		
	Area.	Kinds of coal.	Estimated production in 1854.
	Sq. miles.		Tons.
Rhode Island	20	.....	.....
Pennsylvania	15,437	Anthracite, semibituminous, bituminous, and cannel.	5,000,000
Maryland	550	do	2,000,000
Virginia	21,200	do	600,000
North Carolina	150	do	.....
Alabama	3,400	do	7,000
Arkansas .....	.....	Semibituminous, bituminous, and cannel	5,000
Tennessee	4,300	do	20,000
Kentucky	13,500	do	800,000
Ohio	11,000	do	500,000
Indiana	7,700	do	100,000
Illinois	44,000	do	450,000
Missouri	6,000	do	150,000
Iowa	25,000	do	410,000
Total	6163,157	.....	9,142,000

¹ All the quantities of coal raised in 1850 that were given (except Pennsylvania, which was in tons) were stated in bushels. They have been reduced to tons, at 28 bushels per ton. The quantities noted *es.* were not given, but have been estimated from values at \$3 per ton for some and \$2 per ton for others. New Hampshire, North Carolina, and Tennessee, it will be seen, are omitted in 1850. It is believed they all produced coal in 1850. That the quantity given as raised in 1850 (4,408,750 tons only) is but little more than three-fifths of the true quantity is quite manifest from the commercial returns published from time to time. A tabular statement of the product of Pennsylvania alone, from 1821 to 1851, and of anthracite coal merely, gives the quantity for 1850 as 3,350,800 tons. It gives the quantity for 1851 of anthracite produced in Pennsylvania as 5,135,151 tons. The Pennsylvania semibituminous and bituminous coals probably exceeded 400,000 tons in 1854. (Vide Report of Philadelphia and Reading Railroad Company, January 9, 1854, p. 52). The *Miners' Magazine* (No. 4, vol. 2, June, 1854, p. 639) makes the anthracite for Pennsylvania 5,097,144, being 68,007 less than stated.

² See *Miners' Magazine*, No. 4, vol. 2, June, 1854, p. 687, showing this is not one-ninth of the capital invested in 1854.

³ See *Mining Magazine*, pp. 88, 90, No. 1, vol. 2, January, 1854, and J. W. Alexander's tables and reports to the Baltimore city councils. See also *Mining Magazine*, p. 639, No. 4, vol. 2, June, 1854, pp. 686, 687. See also *Hunt's Merchants' Magazine*, No. 4, vol. 30, April, 1854, p. 518.

⁴ See *Mining Magazine*, p. 98, No. 1, vol. 2, January, 1854.

⁵ Michigan, the area of the coal fields whereof is 12,000 square miles (see *Miners' Magazine*, No. 4, vol. 2, June, 1854, p. 692), and Georgia, whose area of coal fields is 150 square miles, are not included. See No. 5, vol. 30, *Hunt's Merchants' Magazine*, 1854, p. 645, citing from *Pottsville Mining Journal*, estimating necessary increase for 1854 over 1853 at 623,000 tons. The *Baltimore Sun* of July 17 states the increase of 1854 over 1853, up to that date, of Pennsylvania anthracite alone, was 350,939 tons.

THIRTY-THIRD CONGRESS, SECOND SESSION.

February 8, 1855.

On the treaty with the Duke of Brunswick and Luneburg as to inheriting and acquiring property, Mr. Mason reported as follows:

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the convention between the United States of America and his highness the Duke of Brunswick and Luneburg, concluded at Washington the 21st day of August, 1854, with the following amendment, viz:

Article 1, line 5, after the word "other" insert the following: "*Subject to the laws of the State or country where the domicile is or the property is found.*"

(Ex. Jour., vol. 9, p. 435.)

THIRTY-FOURTH CONGRESS, FIRST SESSION.

April 7, 1856.

[Senate Report No. 97.]

The Committee on Foreign Relations, to whom was referred the resolution of the Senate which is annexed, have had the same under consideration and now report:

The resolution is as follows:

Resolved, That the Committee on Foreign Relations be directed to consider the expediency of some act of legislation, having the concurrence of both Houses of Congress, by which the treaty with Denmark regulating the payment of Sound dues may be effectively abrogated in conformity with the requirements of the Constitution under which every treaty is a part of "the supreme law of the land," and in conformity with the practice of the Government in such cases, and especially to consider whether there be any defect in the notice which has been given which such legislation may be necessary to remedy.

The Senate, in executive session, on the 3d day of March last, adopted the following resolution, as to which the injunction of secrecy has been removed, viz:

Whereas by the fifth article of the general convention of friendship, commerce, and navigation between the United States of America and His Majesty the King of Denmark, concluded at Washington on the twenty-sixth day of April, eighteen hundred and twenty-six, it is provided that—

"Neither the vessels of the United States nor their cargoes shall, when they pass the Sound or the Belts, pay higher or other duties than those which are or may be paid by the most favored nation."

Which article has been construed into a concession on the part of the United States of the right on the part of the Government of Denmark to levy duties or tolls on such ships and cargoes burdensome and oppressive to the commerce of the United States in the Baltic Sea and in derogation of common right to the free navigation of open seas.

And it being provided by the eleventh article of the said convention that after ten years from the date thereof either of the contracting parties should be at liberty to give notice to the other of its intention to terminate the same in the manner therein provided.

With a view, therefore, to relieve the commerce of the United States in the Baltic Sea from the duties or tolls aforesaid:

Resolved, That the President of the United States be, and he is hereby, authorized, at his discretion, to give to the Government of Denmark the notice required by the eleventh article of said general convention of the twenty-sixth day of April, eighteen hundred and twenty-six, for the termination of the same.

And the President, in his annual message at the commencement of the present session, informed Congress that—

In pursuance of the authority conferred by a resolution of the Senate of the United States passed on the third of March last notice was given to Denmark on the 14th of April of the intention of this Government to avail itself of the stipulation of the subsisting convention of friendship, commerce, and navigation between that Kingdom and the United States, whereby either party might, after ten years, terminate the same at the expiration of one year from the date of notice for that purpose.

The convention spoken of in the message of the President and referred to in the resolution of the Senate is the "general convention of friendship, commerce, and navigation between the United States and His Majesty the King of Denmark," concluded at Washington on the 26th day of April, 1826, and promulgated by proclamation of the President on the 14th of October following. It is, as its title imports, a convention affecting commerce and navigation only between the two countries. No legislation was necessary to carry it into effect, nor has any been had.

The eleventh article of the convention is in the following words:

The present convention shall be in force for ten years from the date hereof, and further until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same, each of the contracting parties reserving to itself the right of giving such notice to the other at the end of said term of ten years; and it is hereby agreed between them that on the expiration of one year after such notice shall have been received by either from the other party this convention and all the provisions thereof shall altogether cease and determine.

The resolution of the Senate directing the committee to consider "the expediency of some act of legislation" by which the convention with Denmark may be "effectively abrogated in conformity with the requirements of the Constitution under which every treaty is a part of the 'supreme law of the land,'" would seem to direct this inquiry as interesting only to this Government or to its citizens—that is to say, the resolution is construed to assume that the notice which has been given is effectual to terminate the convention as between the two Governments when the period limited for such termination shall expire, and requires the committee to consider, as a domestic question, whether this convention, although abrogated, so far as Denmark is concerned, by the notice which has been given, yet, being "the supreme law of the land," some act of legislation by Congress may not be necessary to repeal or to annul it as such law. At least such is the construction placed by the committee on the resolution—that whether such legislation be necessary or no, as to Denmark the treaty is at an end when the time limited by the notice shall expire.

But as to this convention, and all others of like character, the committee are clear in the opinion that it is competent for the President and Senate, acting together, to terminate it in the manner prescribed by the eleventh article without the aid or intervention of legislation by Congress, and that when so terminated it is at an end to every intent, both as a contract between the Governments and as a law of the land.

By the Constitution of the United States the whole power to make

treaties is vested in the President and Senate. In Article II, section 2, granting power to the President, it provides that—

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

The question then presented by the resolution is, after a treaty is so made, where power is reserved by it to either party to terminate it on notice, can the treaty-making power give such notice, or is it such an exercise of political power as to require the concurrence of the House of Representatives through the forms of legislation?

A treaty between nations has its sanction, by international law, in the good faith of the contracting parties, added to which, in this country, it becomes "the supreme law of the land," and thus, to our own citizens, it is further clothed with the obligations of domestic law.

To violate a treaty, it is agreed among civilized nations, is the highest breach of national faith—which is national honor—and is justly declared to be sufficient cause of war; or if a treaty be violated or disregarded by one of the parties, the other may hold itself released from its obligation and act accordingly.

There is, of course, no provision to be found in the Constitution assigning power to any department of the Government to abrogate or annul existing treaties; and yet occasions may arise where the national honor as well as safety may require the Government to hold itself and its citizens released from treaty obligations by declaring such treaties null. Such an occasion was presented in our relations with France in 1798, and it was then determined that Congress, by law, could, for the reasons assigned in the preamble to this act, declare the treaties with that power at an end.

It was a hostile act, as the preamble shows, and was looked upon at the time as the precursor of war, if not an act of war itself. There was no provision in the treaties with France to terminate them at the will of the contracting parties, and hence, as well to preserve the honor of the country as to resent the injurious conduct of France, there was no alternative but to declare war or to declare the treaties null.

So far as "the practice of the Government in such cases" (in the language of the resolution) is concerned, the committee can find but two instances in which treaties have been annulled or abrogated.

The first is the case referred to, of the treaties with France annulled in 1798.

The second is the case of the convention with England of August, 1827, annulled by notice provided for in the convention itself, similar to that in the treaty with Denmark now under consideration.

The mode in which the Government acted would, in both cases, seem to have been the same, inasmuch as both have the sanction of law—that is to say, in the case with France the treaties were, by law, declared no longer "legally obligatory on the Government or citizens of the United States;" and in the case with England Congress, by law, authorized the President to give the notice for the termination of the convention—yet the committee see the most clear and palpable distinction in the character of the two acts, though both are in the forms of legislation.

The treaties with France contained no reservation of right, to either party, to terminate them at their discretion. The convention with England did contain such reservation.

And whether it be competent or not to the President and Senate, as the treaty making-power, to abrogate treaties where no such right

is reserved (a question not necessary to be brought into discussion here) the committee entertain no doubt that where the right to terminate a treaty at discretion is reserved in the treaty itself such discretion resides in the President and Senate.

The distinction in the character of the acts, in the one class of treaties and in the other, consists in this, that in the first class, as in the treaties with France in 1798, they were annulled as to the other contracting party, *se invito*.

In the second, the case with England, they became null with the assent of that power previously given.

The committee do not consider it necessary to review "the practice of the Government," so far as it was evinced in the case of the French treaties, further than to show that it can not be invoked as a precedent in the matter now before them.

The relations between France and the United States were, at that time, of the most unfriendly character, as both the contemporaneous legislation and history show; the act annulling the treaties was one of a series of laws, passed at the same session, of hostile import. It was made to rest on the principle of universal law, that where a contract is violated by one party, the other is at liberty to regard it at an end as to both.

That act with its preamble is as follows:

Whereas, the treaties concluded between the United States and France have been repeatedly violated on the part of the French Government, and the just claims of the United States for reparation of the injuries so committed have been refused, and their attempts to negotiate an amicable adjustment of all complaints between the two nations have been repelled with indignity; and whereas, under authority of the French Government, there is yet pursued against the United States a system of predatory violence infracting the said treaties, and hostile to the rights of a free and independent nation:

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled: That the United States are of right freed and exonerated from the stipulations of the treaties and the consular convention, heretofore concluded between the United States and France; and that the same shall not henceforth be regarded as legally obligatory on the Government or citizens of the United States.

It is thus manifested that the power here exercised was outside of any treaty stipulation, and while the committee are not called on to decide whether the President and Senate might not, by their independent action, have annulled these treaties, yet, as a power inherent in all Governments to protect themselves from aggression and wrong, or as one of a series of measures projected and carried into execution to disable an adversary and place him in the wrong in anticipation of war, the committee can well justify the action of the Government in the case cited, as a rightful exercise of the war power, without viewing it in any manner as a precedent establishing in Congress alone, and under any circumstances, the power to annul a treaty.

But, however this may be where the power annulling a treaty is exercised violentur or against a contracting party *se invito*, the case is very different where by original stipulation the treaty is to terminate by consent.

To avoid occasions of rupture it has been prudently stipulated in most of our later treaties, that after a certain period fixed by the treaty, either party should have power to terminate them on reasonable notice to the other.

Such were the provisions in the convention with England in 1827 providing for the joint occupation of Oregon by the subjects and citizens of the two powers and in the treaty with Denmark now under consideration.

In the case with England the notice to terminate the treaty was given by President Polk, pursuant to the provisions of a law passed at his recommendation, and it remains to be considered whether this is to be taken as evidence of a practice in the Government inconsistent with the power assumed by the President and the Senate in the case with Denmark.

The third article of the convention with England and the eleventh article of that with Denmark (which has been cited above) are substantially the same, and what is affirmed of the one may be affirmed of the other.

The committee consider that the legal effect of the eleventh article of the treaty with Denmark is that it remains a treaty of perfect obligation for a period of ten years; after that it becomes a treaty at will, subject to the condition only of twelve months' notice to terminate it. Who is to exercise this will on the part of the United States?

The Constitution determines this. The whole power to bind the Government by treaty is vested in the President and Senate, two-thirds of the Senators present concurring. The treaty in question was created by the will of the treaty-making power, and it contained a reservation by which that will should be revoked or its exercise cease on a stipulated notice. It is thus the will of the treaty-making power which is the subject of revocation, and it follows that the revocation is incident to the will.

The President and Senate could certainly terminate this treaty or any other, with the consent of the opposite contracting party, by the negotiation of a new treaty in terms annulling it. And what is the present case but such consent, providing in advance for its termination on a contingency and without new negotiations.

The committee are thus satisfied that the notice authorized by the Senate, and given by the President to Denmark, was a proper exercise of the right reserved in the treaty, and that its effect will be to annul the treaty at the expiration of the time limited, both as regards the two Governments and the citizens and subjects of either.

Nor do the committee see that there is anything inconsistent with this in the exercise of a like power in the case of the convention with England concerning the joint occupation of Oregon pursuant to the authority of a law having the concurrence of the House of Representatives instead of an authority derived from the President and Senate alone. Although it be true, as an exercise of constitutional power, that the advice of the Senate alone is sufficient to enable the President to give the notice, it does not follow that the joint assent of the Senate and House of Representatives involves a denial of the separate power of the Senate.

In the case of the Oregon treaty President Polk recommended that both Houses should unite in authorizing the notice. It had become imperiously necessary to prevent collisions between the citizens and subjects of the two powers who were settled in that country, and which might involve their respective Governments, that the boundary should be determined. All efforts to adjust this by negotiation had failed whilst the joint occupation endured. And, in wise diplomacy, the President thought the minds of the two Governments would be more earnestly directed to this end if such joint occupation were terminated. To do this with the assent of both Houses of Congress was certainly calculated to make the act more impressive upon England than if authorized by the Senate alone, and especially as it was known that on the policy of giving the notice at all the Senate was by no means

united. The result showed the wisdom of the course pursued by the President.

Instructions modifying the pretensions of the British Government and acceptable to ours, as the basis of a new treaty, were dispatched from England to the British minister at Washington after the notice was received in England, but before it had been delivered to that Government.¹

Whilst, therefore, the committee are clear in the opinion that the right to give the notice in question pertains to the treaty-making power, they see nothing in the fact that, in the case with England, the House of Representatives acted with it, from which it is necessarily to be inferred that such union was then considered necessary to perfect the authority. But if it were so intended the committee would not yield to the precedent. They consider the reasoning irrefragable which establishes the right to give this notice in the treaty-making power, and in their judgment it should ever be so maintained.

Then as to the inquiry whether, conceding the notice effectual to terminate the treaty, so far as our relations with Denmark are concerned, legislation is not necessary to repeal or annul it as a part of the "law of the land."

By the sixth article of the Constitution it is declared that—

This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

The latter clause of this article is the key to the meaning of its antecedent. Treaties are laws to the nations contracting them. Nor was it intended by this provision to ascribe to them on the part of this Government any greater or higher obligation as between the contracting parties than they imported under the law of nations.

From the peculiar structure of the Federal Government, however, in its relations to the State governments, it was deemed proper and necessary to declare the paramount authority of a treaty if at any time in conflict with a State constitution or laws; a necessity that extended equally to the Federal Constitution and the Federal laws; and accordingly having classed them together, the latter clause of the article declared them also "supreme," and bound the State judges so to administer them, "anything in the constitution or laws of any State to the contrary notwithstanding."

It may also have been considered as more conducive to the peace of the country by placing them, for domestic purposes, on the general footing of "laws," to make them as such obligatory on the citizen. They are thus brought practically, for domestic purposes, immediately within reach of judicial exposition, and to be enforced directly, as other laws, against the citizen. But it were a capital error to suppose that it is under this provision of the Constitution that a treaty can be abrogated or annulled by law of Congress.

Treaties are contracts resulting from the faith which all civilized nations must, for the peace of the world, repose in each other. To

¹ The joint resolution authorizing the notice to be given was passed on the 27th April, 1846. It was received by Mr. McLane, our minister at London, on the 15th May, with instructions to deliver the notice. On the 19th the new instructions left England for the British minister at Washington, whilst the notice was not delivered until the 21st. The new treaty settling the boundary was signed at Washington on the 15th of June.

violate them, except on grave and proper consideration and for adequate cause, is not only utterly dishonoring to the offending party, but may be taken as cause of war. No statesman would venture to justify before a foreign power the abrogation of a treaty by quoting a supposed right to do so reserved in this article of the Constitution.

In the instance cited, that of the act of 1798, declaring the treaties with France no longer obligatory on the United States, no reference was had to this article of the Constitution. But, on the contrary, those treaties were so declared null exclusively on the ground that they had "been repeatedly violated on the part of the French Government," and that "the French Government yet pursued against the United States a system of predatory violence infracting the said treaties."

The committee, on the whole, conclude that so far as the "practice of the Government" is concerned there is nothing to question the sufficiency of the notice that has been given to Denmark to terminate the treaty, and they recommend the adoption of the following resolution:

Resolved, That the notice which has been given by the President to Denmark, pursuant to the resolution of the Senate of March third, eighteen hundred and fifty-five, to terminate the treaty with that power of the twenty-sixth of April, in the year eighteen hundred and twenty-six, is sufficient to cause such treaty to terminate and be annulled, to all intents whatsoever, pursuant to the eleventh article thereof; and that no other or further act of legislation is necessary to put an end to said treaty as part of the law of the land.

July 15, 1856.

On the treaty with the Kingdom of the Two Sicilies, Mr. Mason reported as follows:

Resolved (two-thirds of the Senators concurring), That the Senate advise and consent to the ratification of the treaty between the United States of America and His Majesty the King of the Kingdom of the Two Sicilies, concluded at the city of Naples the first day of October, in the year of our Lord eighteen hundred and fifty-five, with the following amendments:

Article XXII, in lines 10 and 11, strike out the words "or emission of forged papers" and insert the word *forgery*.

Same article, in lines 13 and 14, strike out the words "fraudulent bankruptcy."

Same article, in lines 17, 18, 19, strike out the words "or by persons hired or salaried, to the detriment of their employers."

(Ex. Jour., vol. 10, pp. 122, 139.)

July 15, 1856.

On the extradition treaty with Baden, Mr. Mason reported as follows:

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the convention for the mutual delivery of criminals, fugitives from justice in certain cases, concluded between the United States of America on the one part and the Grand Duchy of Baden on the other part, at Berlin, the tenth day

of October, eighteen hundred and thirty-six, with the following amendments:

Article 1, lines 10 and 11, strike out the words "or the utterances of forged papers."

Same article, at the end thereof, add the words: *Nothing in this article contained shall be construed to extend to crimes of a political character.*

(Ex. Jour., vol. 10, pp. 122, 144.)

July 15, 1856.

Mr. Mason made the following report:

The Committee on Foreign Relations, to whom was referred the convention between the United States and His Majesty the King of the Netherlands for the mutual delivery of criminals, fugitives from justice, in certain cases, and for other purposes, concluded at The Hague the 29th of May, 1856, having given the same careful consideration, beg to report it to the Senate and recommend that it be advised and consented to with the following amendments:

Article III, lines 13 and 14, item 5, strike out the words "or the felonious utterance of forged papers."

Article VII, line 18, strike out the word "purely."

(Ex. Jour., vol. 10, p. 122.)

July 29, 1856.

[Senate Report No. 251.]

Mr. Mason submitted the following report:

Mr. Mason, from the Committee on Foreign Relations, to whom was referred the bill (S. 405) "to provide for carrying into effect the first article of the treaty between the United States and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, of the 15th day of June, 1856," submitted the following:

DEPARTMENT OF STATE,
Washington, February 18, 1856.

SIR: I have the honor to invite your attention to that part of the President's last annual message in which an appropriation is recommended for the purpose of surveying and marking the boundary between the Territory of Washington and the contiguous British possessions.

The letter of the Department to Mr. Hunter, chairman of the Committee on Finance of the Senate, of the 15th of July, 1854, a copy of which and of the estimate to which it refers are herewith inclosed, will serve as data for the appropriation. The expediency of an appropriation, without any delay which can be avoided, is further manifest from the note of Mr. Crampton to the Department of the 9th instant, a copy of which is also herewith transmitted.

I have the honor, etc.,

W. L. MARCY.

Hon. JAMES M. MASON,

Chairman of the Committee on Foreign Relations, Senate.

DEPARTMENT OF STATE,
Washington, July 15, 1854.

SIR: I transmit a copy of a letter of the — instant, which I addressed to the Secretary of the Interior, upon the subject of a demarcation of the boundary between the United States and the British possessions on the northwest, pursuant

to the treaty of 1846. It is understood that Governor McClelland referred the letter to Mr. Robert B. Campbell for an estimate. A transcript of Mr. Campbell's letter to the Department of the Interior, and of the accompanying estimate, are also herewith transmitted, and I have the honor to request that an appropriation for the purpose may be made at this session of Congress. It is believed that a sum of \$50,000 in addition to that mentioned in the estimate will be required for marking, under the direction of the Coast Survey, the line from the middle of the channel which separates the continent from Vancouver Island and thence southerly through the middle of the said channel and of Fuca Straits to the Pacific Ocean.

I have, etc.,

W. L. MARCY.

Hon. R. M. T. HUNTER,

Chairman of the Committee on Finance, Senate.

WASHINGTON, February 9, 1856.

SIR: I have been instructed by Her Majesty's Government to call the serious attention of the Government of the United States to the unsatisfactory and hazardous state of things which continues to exist on the boundary which divides the Territory of Washington from the British possessions occupied by the Hudson Bay Company; and Her Majesty's Government direct me to express their regret that their repeated remonstrances have not led to any measures which seem to have succeeded in restraining the acts of the authorities of that Territory.

I have already had the honor of addressing your Department (in a note to Mr. Hunter) on the 27th of July last, respecting the depredations committed on the property of the Hudson Bay Company in the island of San Juan, by Mr. Ellis Barnes, sheriff of Whatcom County, Washington Territory, in virtue of an alleged claim for taxes due to the authorities of the Territory; and I have now the honor to inclose the copy of a further letter from the governor of the Hudson Bay Company, together with accompanying documents, in regard to the same matter, from which it appears that no reparation whatever has been made to that company for the heavy losses which they incurred on that occasion.

You will at once perceive, sir, that the occurrence in question has arisen out of the conflicting claims of the authorities of Vancouver Island and of Washington Territory to the jurisdiction of the island of San Juan, as appertaining, under the provisions of the treaty between Great Britain and the United States of 1846, to the dominions of their respective Governments.

San Juan is one of the small islands lying in the Gulf of Georgia, between Vancouver Island and the mainland, and the question which has arisen between the parties regards the position of the channel through the middle of which, by the provisions of the treaty of 1846, the boundary line is to be run.

In the early part of 1848 I had the honor, by the instructions of Her Majesty's Government, to propose to the Government of the United States to name a joint commission for the purpose of making out the northwest boundary, and more particularly that part of it in the neighborhood of Vancouver Island; in regard to which, as you will perceive from a reference to my note of the 13th January of that year to the honorable James Buchanan, the Secretary of State of the United States, Her Majesty's Government already foresaw the possibility of the occurrence of misunderstanding between the settlers of the respective nations; and Her Majesty's Government, moreover, then proposed, in order at once to preclude such misunderstandings, that before instructing their respective commissioners the two Governments should agree to adopt as the "channel" designated by the treaty that marked by Vancouver in his charts as the navigable channel, and laid down with soundings by that navigator.

Mr. Buchanan, entirely concurring in the expediency of losing no time in determining that portion of the boundary line, nevertheless felt some objection to adopting the channel marked by Vancouver as the "channel" designated by the treaty, in the absence of more accurate geographical information; and he suggested that the joint commissioners, when appointed, should be, in the first place, instructed to survey the region in question for the purpose of ascertaining whether the channel marked by Vancouver, or some other channel as yet unexplored between the numerous islands of the Gulf of Georgia, should be adopted as the channel designated by the treaty, or, in other words, should be found to be the main channel, through the middle of which, according to the generally admitted principle, the boundary line should be run.

To this suggestion Her Majesty's Government, in the hope that immediate measures would be taken by the Government of the United States to name com-

missioners to proceed to the spot with those already designated by the British Government, made no objection.

It has been a subject of regret to Her Majesty's Government that, from causes upon which it is unnecessary to dwell, no appointment of commissioner has, up to the present time, been made by the Government of the United States, and I am now instructed again to press this matter on their earnest attention.

Should it appear probable, however, that this proposal can not be met by the Government of the United States without further difficulty or delay, I would again suggest the expediency of the adoption, by both Governments, of the channel marked as the only known navigable channel by Vancouver as that designated by the treaty. It is true that the island of San Juan, and perhaps some others of the group of small islands by which the Bay of Georgia is studded, would thus be included within British territory; on the other hand, it is to be considered that the islands in question are of very small value, and that the existence of another navigable channel, broader and deeper than that laid down by Vancouver, by the adoption of which some of those islands might possibly fall within the jurisdiction of the United States, is, according to the reports of the most recent navigators in that region, extremely improbable; while, on the other hand, the continued existence of a question of doubtful jurisdiction in countries so situated as Washington Territory and Vancouver Island is likely to give rise to a recurrence of acts of a similar nature to those to which I have had the honor of calling your attention, and which, I have no doubt, would not be less deplored by the Government of the United States than by that of Great Britain.

I avail myself of this opportunity to renew to you, sir, the assurance of my high consideration.

JOHN F. CRAMPTON.

Hon. W. L. MARCY, etc.

OLYMPIA, WASHINGTON TERRITORY,
Executive Office, May 12, 1855.

SIR: I have the honor to acknowledge the receipt of your communication of April 26, in which you state that information has been received by you to the effect that an armed party of American citizens, ostensibly acting under the direction of a person named Barnes, who styles himself sheriff of Whatcom County, landed on the island of San Juan and demanded from Charles Griffin certain moneys in payment of taxes, on behalf and in the name of the United States of America, "a demand which, as a British subject, acknowledging no authority except that emanating from his own Government, he refused to pay;" that Mr. Barnes and his followers "abstracted a number of valuable sheep, and that upon Mr. Griffin demanding restitution he was menaced with violence and put in danger of his life."

Of the matters detailed by you I have no official information save from your communication. It is known, however, that Mr. Barnes is the sheriff of Whatcom County.

You further state that you have called my attention to the same for the purpose of ascertaining "if the said Mr. Barnes's proceedings were in that instance authorized or sanctioned in any manner by the executive officer of Washington Territory."

The sheriffs of the various counties come under the supervision of the executive in the exercise of the pardoning power, and in the case of a resistance of the laws. They act under certain prescribed laws, and to these laws they are responsible for the proper discharge of their duty.

By the act of the legislative assembly of the Territory of Oregon, previous to the separation therefrom from the Territory of Washington, the boundary line as between the two Governments was held to run through the Canal de Arro, and by the act of the legislative assembly of the Territory of Washington "to organize the county of Whatcom" the island of San Juan is included within the bounds of that county. The sheriff in proceeding to collect taxes acts under a law directing him to do so. Should he be resisted in such an attempt, it would become the duty of the governor to sustain him to the full force of the authority vested in him.

You say "the island of San Juan has been in the possession of British subjects for many years, and it is, with the other islands in the Archipelago de Arro, declared to be within the jurisdiction of the colony and under the protection of British laws. I have also the orders of Her Majesty's ministers to treat those islands as part of the British dominions."

The acts before referred to have declared these islands to be within the jurisdic-

tion formerly of the Territory of Oregon, now of the Territory of Washington, and the general laws of those Territories, so far as they may be applicable, have thereby been extended over them.

The ownership remains now as it did at the execution of the treaty of June 11, 1846, and can in no wise be affected by the alleged "possession of British subjects."

The contemporaneous exposition of the treaty, as evinced by the debates in the United States Senate, shows the Canal de Arro to be the boundary line, as understood by the United States at that time, and the doubt of the British Government as to any claim beyond that is plainly manifested by the note of Mr. Crampton, the British minister, to Mr. Buchanan, Secretary of State of the United States, dated January 13, 1848. Indeed, on Arrowsmith's map of Vancouver Island and the adjacent coast, published in London, April 11, 1849, the boundary line is laid down as coming through the Canal de Arro.

The map is compiled from the surveys of Vancouver, Kellet, Simpson, and others, and would seem to establish that even as late as some three years subsequent to the treaty the great English navigators and hydrographers, as well as the American Government, considered the Canal de Arro as, in the terms of the treaty, the channel which separates the continent from Vancouver Island.

I shall take the earliest opportunity to send a copy of your communication and of this reply to the Secretary of State of the United States, and in the meantime I have to reciprocate most earnestly your hope that nothing may occur to interfere with the harmony and good feeling which should characterize the relations of neighboring States.

I have, etc.,

ISAAC I. STEVENS,
Governor Washington Territory.

His Excellency J. DOUGLAS, Esq., etc.

FORT VICTORIA, *September 28, 1855.*

SIR: I have the honor of inclosing herewith a statement of the losses incurred by the Hudson Bay Company in consequence of the violent and unlawful intrusion of Sheriff Barnes, with the armed posse of Whatcom County, and the forcible seizure and carrying away from the island of San Juan of certain valuable stock sheep in payment of taxes levied on behalf and in the name of the United States of America.

That unwarrantable act was committed on the 30th day of March last, to the surprise of the British inhabitants, who were threatened with violence and put in danger of their lives by Sheriff Barnes and his followers. Under these alarming circumstances all business was for the time suspended, and the flocks dispersed and driven into the woods for safety, to the serious loss and detriment of the British inhabitants.

In my communication of 7th May last I transmitted with Mr. Griffin's report a copy of a letter which I addressed to the governor of Washington Territory in respect to the outrage committed by Sheriff Barnes on that occasion, and I now herewith forward the answer to that communication for the purpose of establishing the fact, through the avowal of Governor Stephens, that "Mr. Barnes is the sheriff of Whatcom County," and that as such he would have been supported by the whole authority of the executive in the act, as Mr. Stevens further declares that "it would become the duty of the governor to sustain him to the full force of the authority vested in him in proceeding to collect taxes, should he be resisted in such an attempt," even on the island of San Juan; and the reason given in defense of such a course on the part of the governor is that "by act of the legislative assembly of the Territory of Washington to organize the county of Whatcom the island of San Juan is included within the bounds of that county." It appears by that extract of Governor Stevens's letter that he takes for granted that the acts of the legislative assembly of the Territory of Washington confer on the United States a substantial right to that part of the British dominions, and, moreover, that enforcing the payment of taxes levied on behalf of the United States on British subjects there residing is a part of the proper duties of the executive officer of that Government—a principle which I conceive to be false and dangerous in its operations.

The amount of damages claimed from the United States, as you will observe by Mr. Griffin's statement, is £2,000 18s.—a moderate estimate of the losses inflicted, and much less than a court of law would in such cases award to the sufferers.

I have, etc.,

J. DOUGLAS.

W. J. SMITH, Esq., etc.

Statement and valuation of sheep, the property of the Hudson's Bay Company, forcibly seized and carried off on March 30, 1855, by Ellis Barnes, sheriff of Whatcom County, Wash. T., aided and assisted by the armed posse of said county, in the name and behalf of the United States of America; and of losses resulting from the violent acts of the said Ellis Barnes, in consequence of the flocks being driven into the woods and there destroyed by beasts of prey and through other causes.

		£	s.	d.
Carried off by Sheriff Barnes and posse of Whatcom County:				
12 choice Southdown rams, at £20.....		240	0	0
8 Cheviot rams, at £20.....		160	0	0
6 Leicester rams, at £25.....		150	0	0
8 Merino rams, at £25.....		200	0	0
Number of sheep missing in consequence of the flocks having been driven into the woods:				
156 Southdown ewes, at 33s. 4d.....		260	0	0
63 Southdown lambs, at 15s.....		47	0	0
86 Cheviot ewes, at 33s. 4d.....		143	0	8
23 Cheviot lambs, at 15s.....		17	5	0
25 Leicester ewes, at 33s. 4d.....		41	13	4
56 Merino ewes, at 50s. 6d.....		141	8	0
Cost of collecting and re-sorting flocks:				
Hire of 10 men for 8 days, at 12s. 6d. per diem.....		50	0	0
Hire of steam vessel Beaver for protection of property under my charge.....		500	0	0
Pay of 8 men for 8 days, hired to protect the property in my charge, at 12s. 6d. per diem.....		40	0	0
Incidental losses through derangement and suspension of business in consequence of Sheriff Barnes's violent acts.....		1,000	0	0
Total.....		2,000	13	0

CHARLES J. GRIFFIN.

SAN JUAN, *July 26, 1855.*

I hereby certify that this is the signature of Charles John Griffin, and that he is a person worthy of credit.

JAMES DOUGLAS,
Governor of Vancouver's Island.

HUDSON BAY HOUSE, *December 6, 1855.*

MY LORD: With reference to the deputy governor's letters of the 11th and 24th of July and Mr. Hammond's replies of July 13 and August 2, I have now the honor to inclose a copy of a letter just received from Mr. Douglas, governor of Vancouver's Island, dated Victoria, September 28, 1855, covering an account of the damage caused to the Hudson's Bay Company by the unjustifiable proceedings of the United States authorities in the Isle of San Juan, together with a copy of the further correspondence on the subject between Mr. Isaac Stevens, governor of Washington Territory, and Governor Douglas. I have to beg that your lordship will call upon the Government of the United States to reimburse the Hudson's Bay Company for the illegal acts of their officers.

I have, etc.,

A. COLVILLE, *Governor.*

Earl of CLARENDON, K. G., etc.

August 9, 1856.

On the treaty with Paraguay, Mr. Mason reported as follows:

Whereas the time limited by the sixteenth article of the treaty of the fourth of March, eighteen hundred and fifty-three, between the United States of America and the Republic of Paraguay; and the time, as extended by the resolution of the Senate of the thirteenth of June, eighteen hundred and fifty-four, for the exchange of the ratifications of the said treaty, has expired before such exchange of ratifications could be effected: Be it, therefore,

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the exchange of ratifications of the treaty

of friendship, commerce, and navigation between the United States of America and the Republic of Paraguay, concluded at Assumption on the fourth of March, eighteen hundred and thirty-eight, at any time prior to the fifth day of August, eighteen hundred and fifty-nine, whenever the same can be effected between the authorities of the United States and the duly constituted authority of the Government of the Republic of Paraguay, and the said ratifications shall be deemed and taken to have been regularly exchanged, the limitation contained in said treaty to the contrary notwithstanding.

(Ex. Jour., vol. 10, p. 137.)

August 9, 1856.

On the treaty with Uruguay, Mr. Mason reported as follows:

Whereas the time limited by the thirteenth article of the treaty of the twenty-eighth of August, eighteen hundred and fifty-two, between the United States of America and the Oriental Republic of Uruguay; and the time, as extended by the resolution of the Senate of the thirteenth of June, eighteen hundred and fifty-four, for the exchange of the ratifications of the said treaty having expired before such exchange of ratifications could be effected: Be it, therefore,

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the exchange of ratifications of the treaty of friendship, commerce, and navigation between the United States of America and the Oriental Republic of Uruguay, concluded at Montevideo on the twenty-eighth of August, eighteen hundred and fifty-two, at any time prior to the fifth day of August, eighteen hundred and fifty-nine, whenever the same can be effected between the authorities of the United States and the duly constituted authorities of the Government of the Oriental Republic of Uruguay, and the said ratifications shall be deemed and taken to have been regularly exchanged, the limitation contained in said treaty to the contrary notwithstanding.

(Ex. Jour., vol. 10, pp. 137, 138.)

August 9, 1856.

On the treaty with Nicaragua, Mr. Mason reported as follows:

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the treaty of friendship, commerce, and navigation between the United States and Nicaragua, concluded at Granada the twentieth day of June, eighteen hundred and fifty-five, with the following amendments:

Article VII, line 37, after the word "will" insert the words *subject to the laws of the States in the United States, or of Nicaragua, which now exist or may be enacted in this respect.*

Article XIV, lines 17 and 18, strike out the words "or utterance of forged papers."

Same article, at the end thereof, add the words: *The provisions of the present treaty shall not be applied in any manner to the crimes enumerated in the fourteenth article, committed anterior to the date thereof, nor to any crime or offense of a political character.*

(Ex. Jour., vol. 10, pp. 138, 146.)

August 9, 1856.

On the extradition treaty with Austria, Mr. Mason reported as follows:

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the convention for the mutual delivery of criminals, fugitives from justice, between the United States and Austria, signed at Washington July third, eighteen hundred and fifty-six, with the following amendments:

Article I, lines 10 and 11, strike out the words "or the utterance of forged papers."

Same article, at the end thereof, add the words: *The provisions of the present convention shall not be applied in any manner to the crimes enumerated in the first article, committed anterior to the date thereof, nor to any crime or offense of a political character.*

(Ex. Jour., vol. 10, pp. 138, 145, 146.)

THIRTY-FOURTH CONGRESS, THIRD SESSION.

February 10, 1857.

[Executive, No. 2.]

Mr. Mason made the following report:

The Committee on Foreign Relations, to whom was recommitted, on the 4th instant, the treaty between the United States and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland relative to Central America, concluded and signed at London on the 17th day of October, 1856, have had the same again under consideration, and submit the following amendments thereto, viz:

Article IV, strike out the third condition, in the following words:

"3. All bona fide grants of land for due consideration made in the name and by the authority of the Mosquito Indians since the first of January, eighteen hundred and forty-eight, and lying beyond the limits of the territory reserved for said Indians, shall be confirmed, provided the same shall not exceed, in any case, the extent of one hundred yards square if within the limits of San Juan or Greytown, or one league square if without the same, and provided that such grant shall not interfere with other legal grants made previously to that date by Spain, the Republic of Central America, or either of the present States of Central America; and provided further, that no such grant within either of the said States shall include territory desired by its Government for forts, arsenals, or other public buildings. This stipulation is in no manner to affect the grants of land made previously to the first of January, eighteen hundred and forty-eight. In case, however, any of the grants referred to in the preceding paragraph of this section should be found to exceed the stipulated extent, the commissioners hereinafter mentioned shall, if satisfied of the bona fides of any such grants, award to the grantee or grantees, as to his or their representatives or assigns, an area equal to the stipulated extent. And in case any bona fide grant, or any part thereof, should be desired by the Government for forts, arsenals, or other public buildings, the Government shall compensate the holders for the same; the amount of compensation to be assessed and determined by the said commissioners."

Change the article on condition "4" to 3.

Article VI, strike out the following clauses, to wit:

"They shall also appoint, within the same period, each a commissioner for the purpose of deciding upon the bona fides of all grants of land mentioned in section three of Article IV of the treaty as having been made by the Mosquito Indians of lands heretofore possessed by them and lying beyond the limits of the territory described in Article II."

"They shall further appoint, within the same period, each a commissioner for the purpose of determining the amount, the period of duration, and the time, place, and mode of payment of the annuity to be paid to the Mosquito Indians, according to the stipulations of Article V of the present treaty."

"Her Britannic Majesty and the Republic of Nicaragua shall be at liberty either to name the same person to fulfill the duties for all these or for any two of the purposes above described, or to name a separate and distinct person to be commissioner for each purpose, as they may see fit."

And insert the following in lieu thereof, to wit:

They shall also appoint, within the same period, each a commissioner for the purpose of determining the amount, the period of duration, and the time, place, and mode of payment of the annuity to be paid to the Mosquito Indians according to the stipulations of Article V of the present treaty. Her Britannic Majesty and the Republic of Nicaragua shall be at liberty either to name the same person to fulfill the duties of commissioner for the two purposes above described, or to name a separate and distinct person to be commissioner for each purpose, as they may see fit.

Strike out the ninth article, as follows:

"ARTICLE IX. The United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland bind themselves, in case the Republics of Nicaragua and Costa Rica, or either of them, should refuse to accept the arrangements contained in the preceding articles, not to propose nor consent to any other arrangements more favorable to the refusing party or parties."

Change "Article X" to *Article IX*.

And the committee submit the following amendment to the "separate articles" of the said treaty, to wit:

Article II, strike out the second clause of definitive arrangement, as follows:

"2. That the islands, and their inhabitants, of Ruatan, Bonaco, Utila, Barbaretta, Helena, and Morat, situated in the Bay of Honduras and known as the Bay Islands, having been by a convention bearing date the twenty-seventh day of August, eighteen hundred and fifty-six, by Her Britannic Majesty and the Republic of Honduras, constituted and declared a free territory under the sovereignty of the said Republic of Honduras, the two contracting parties do hereby mutually engage to recognize and respect in all future time the independence and rights of the said free territory as a part of the Republic of Honduras."

And insert the following in lieu thereof, to wit:

2. The two contracting parties do hereby mutually engage to recognize and respect the islands of Ruatan, Bonaco, Utila, Barbaretta, Helena, and Morat, situate in the Bay of Honduras and off the coast of the Republic of Honduras, as under the sovereignty and as part of the said Republic of Honduras.

(Ex. Jour., vol. 10, pp. 189, 190.)

THIRTY-FIFTH CONGRESS, SPECIAL SESSION.

March 10, 1857.

On the extradition treaty with Venezuela, Mr. Mason reported as follows:

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the treaty of amity, commerce, and navigation, and for the surrender of fugitive criminals, concluded and signed between the plenipotentiaries of the United States of America and the Republic of Venezuela July tenth, eighteen hundred and fifty-six, with the following amendment:

Article XVIII, after the word "money" strike out the words "or the emission of forged papers."

(Ex. Jour., vol. 10, p. 231.)

March 10, 1857.

On the treaty with Chile, signed at Santiago May 27, 1856, Mr. Mason reported as follows:

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the treaty of friendship, commerce, and navigation and extradition between the United States and the Republic of Chile, signed at Santiago, the twenty-seventh day of May, eighteen hundred and fifty-six, with the following amendments:

Article VIII, strike out this article.

Article XV, after the word "forgery," strike out the words "the utterance of forged papers."

Article XXVI, strike out the following words from this article:

"When, in case of war, and in order to protect the interests of the State seriously compromised, the welfare of the country may render indispensable an embargo, or general closing of one or several of its ports by either of the contracting parties, it is stipulated that if the embargo, or closing of the ports, does not exceed six days, the merchant vessels which may have been included in this measure shall not claim any indemnity on account of lay days, or prejudice to their interests; but if the detention should be more than six days, and does not exceed twelve, the Government which may have laid on the embargo, or closing of the ports, shall be obliged to refund to the masters of the vessels detained, as an indemnity, the amount of expenses arising from the wages and support of their crews from the time they may have been forced to remain, counting from the seventh day. If circumstances of a very exceptionable gravity should render it necessary to prolong the embargo beyond the term of twelve days, the Government, author of the measure, shall be obliged to indemnify the vessels detained for the losses and prejudices suffered from the forced detention in consequence of the embargo, or closing of the ports."

(Ex. Jour., vol. 10, pp. 232, 233.)

March 10, 1857.

On the treaty with Chile to determine in a precise manner the rights, privileges, and duties of the consuls of the two countries, Mr. Mason reported as follows:

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the treaty between the United States and the Republic of Chile to determine in a precise manner the rights, privileges, and duties of the consuls of the two countries, signed at the city of Santiago on the first day of December, eighteen hundred and fifty-six, with the following amendments:

Article III, after the words "and a seat," strike out the words "of preference."

Article VIII, after the words "may arrest the," strike out the word "officers." After the words "of their own nation," insert the words *including inferior officers of merchant vessels.*

(Ex. Jour., vol. 10, pp. 233, 234.)

March 11, 1857.

On the treaty with Siam of May 29, 1856, Mr. Mason reported as follows:

Article V: Strike out this article, in the following words:

"All American citizens intending to reside in Siam shall be registered at the American consulate; they shall not go out to sea nor proceed beyond the limits assigned by this treaty for the residence of American citizens without a passport from the Siamese authorities, to be applied for by the American consul; nor shall they leave Siam if the Siamese authorities show to the American consul that legitimate objections exist to their quitting the country. But within the limits appointed under the preceding article American citizens are at liberty to travel to and fro under the protection of a pass to be furnished them by the American consul and countersealed by the proper Siamese officer, stating in the Siamese characters their names, calling, and description. The Siamese officers at the Government stations in the interior may at any time call for the production of this pass, and immediately on its being exhibited they must allow the parties to proceed; but it will be their duty to detain those persons who, by traveling without a pass from the consul, render themselves liable to the suspicion of their being deserters, and such detention shall be immediately reported to the consul."

(Ex. Jour., vol. 10, p. 236, 256.)

THIRTY-FIFTH CONGRESS, FIRST SESSION.

May 18, 1858.

Mr. Seward reported as follows:

On joint resolution authorizing the President to give to the Government of Hanover the notice required by the treaty of the 10th of June, 1846, of the termination of the eleventh article of said treaty, in the following words:

"Whereas by the first article of the treaty of commerce and navigation between the United States and Hanover, concluded at the city

of Hanover on the tenth day of June, eighteen hundred and forty-six, it is provided that 'no higher or other toll shall be levied or collected at Brunshausen or Stadte, on the river Elbe, upon the tonnage or cargoes of vessels of the United States than is levied and collected upon the tonnage and cargoes of vessels of the Kingdom of Hanover, and the vessels of the United States shall be subjected to no charges, detention, or other inconvenience by the Hanoverian authorities in passing the above-mentioned places from which vessels of the Kingdom of Hanover are, or shall be, exempt,' which provision has been construed into a concession on the part of the United States of the right on the part of the Government of Hanover to levy duties or tolls on such ships and cargoes burdensome and oppressive to the commerce of the United States, and in derogation of common right to the free navigation of the river Elbe, and it being provided by the eleventh article of the said treaty that after twelve years from the date thereof either of the contracting parties should be at liberty to give notice to the other of its intention to terminate the same in the manner therein provided; with a view, therefore, to relieve the commerce of the United States in the river Elbe from the duties or tolls aforesaid,"

Resolved, That the President of the United States be, and he is hereby, authorized, at his discretion, to give to the Government of Hanover the notice required by the eleventh article of said treaty of the tenth day of June, eighteen hundred and forty-six, for the termination of the same.

Mr. Seward reported the above preamble and resolution, with an amendment striking out the word "joint" in the title, so that the resolution should be acted upon as a Senate resolution.

(Ex. Jour., vol. 10, pp. 417, 418.)

June 15, 1858.

Mr. Mason made the following report:

The Committee on Foreign Relations, to whom was referred the additional article to the extradition convention between the United States and France of the ninth of November, eighteen hundred and forty-three, and to the additional article of the twenty-fourth of February, eighteen hundred and forty-five, signed the tenth day of February, eighteen hundred and fifty-eight, beg to report the same with the following amendments:

After the word "money" strike out the words "embezzlement of the funds, money, or property of any company or corporation by a person in the employment thereof, or acting therefor in a fiduciary capacity, when such company or corporation shall have been legally established, and the legal punishment for their crimes is infamous" and insert *with intent to defraud any person or persons, embezzlement by any person or persons, hired or salaried, to the detriment of their employers, when their crimes are subject to infamous punishment.*

(Ex. Jour., vol. 10, pp. 461, 462.)

June 15, 1858.

On the treaty with Siam, Mr. Mason reported as follows:

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the treaty between

the United States and the First and Second Kings of Siam, concluded at Bangkok the twenty-ninth day of May, eighteen hundred and fifty-six, and that the ratifications of the treaty shall be exchanged, notwithstanding the time for the ratification thereof as stated in the treaty has expired.

(Ex. Jour., vol. 10, p. 462.)

June 15, 1858.

Mr. Mason made the following report:

The Committee on Foreign Relations, to whom was referred the treaty of extradition between the United States and Belgium, concluded at Washington the 11th of February, 1853, beg to report the same to the Senate, and to recommend that it be advised and consented to with the following amendments:

Article XI, paragraph 9, strike out the words "theft and embezzlement of public or private funds or property" and insert *embezzlement by persons, hired or salaried, to the detriment of their employers, when their crimes are subject to infamous punishment.*

Article VI, at the end thereof add: *Nor shall the provisions in the first and second articles contained be construed to extend to any political offense or other act connected with such offense.*

(Ex. Jour., vol. 10, pp. 462, 463.)

THIRTY-SIXTH CONGRESS, SPECIAL SESSION.

March 8, 1859.

On the treaty with New Granada to adjust certain claims, Mr. Mason reported as follows:

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the convention between the United States and New Granada to adjust certain claims and to cement the good understanding between the two Republics, signed on the tenth day of September, eighteen hundred and fifty-seven, agreeably to the modifications approved by the Granadian Confederacy, as follows, to wit:

Article I. The foregoing convention is approved with the exception of its seventh article, and with the following explanations:

First. It is understood that the obligation of New Granada to maintain peace and good order on the interoceanic route of the Isthmus of Panama, of which Article I of the convention speaks, is the same by which all nations are held to preserve peace and order within their territories in conformity with general principles of the law of nations and of the public treaties which they may have concluded.

Second. The claims of corporations, companies, and individuals that have entered into contracts with New Granada are not comprehended within the stipulations of the convention, provided such claims grew out of facts relative to said contracts.

Third. Wherever in the Spanish text arbitro is mentioned it shall be understood as arbitro, arbitrador, amigable compoundors (arbiters,

arbitrator, friendly compounder), in conformity with the English text, and also with the following amendments:

Article I, fourth line, after the word "which" insert the word *shall*; fifth line, strike out the words "signature of this convention," and insert the words *first day of September, eighteen hundred and fifty-nine*.

Article VIII. Amend this article by striking out "the present convention shall be ratified and the ratifications exchanged in Washington within nine months after the date hereof, or sooner if possible," and by inserting *this convention shall be ratified and the ratifications exchanged within nine months from the eighth day of March, eighteen hundred and fifty-nine*.

(Ex. Jour., vol. 11, pp. 90, 91.)

THIRTY-SIXTH CONGRESS, FIRST SESSION.

January 24, 1860.

On the message of the President with reference to the postponement of the exchange of ratifications of the treaty with China of June 18, 1858, Mr. Mason reported as follows:

Whereas the time for the exchange of the ratifications of the treaty between the United States of America and the Ta Tring Empire, concluded on the eighteenth day of June, eighteen hundred and fifty-eight, which was limited to the eighteenth day of June, eighteen hundred and fifty-nine, having expired before it was practicable to effect such exchange: Therefore,

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the said treaty, which was effected on the sixteenth of August, eighteen hundred and fifty-nine, the limitation contained in the said treaty to the contrary notwithstanding.

(Ex. Jour., vol. 11, pp. 131, 132.)

May 8, 1860.

On the treaty with New Granada to adjust certain claims, Mr. Mason reported as follows:

Whereas the time limited by the Senate of the United States for the exchange of the ratifications of the convention between the United States and the Republic of New Granada, to adjust certain claims and to cement the good understanding which subsists between the two Republics, signed on the tenth of September, eighteen hundred and fifty-seven, and ratified by the President of the United States, by and with the advice and consent of the Senate, on the twelfth of March, eighteen hundred and fifty-nine, having expired before such exchange could be effected: Therefore,

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the exchange of the ratification of the said convention as amended by the Senate on the eighth day of March, eighteen hundred and fifty-nine, the limitations contained in the convention and the amendments of the Senate to the contrary notwithstanding.

(Ex. Jour., vol. 11, p. 184.)

THIRTY-SIXTH CONGRESS, SECOND SESSION.

February 27, 1861.

Executive, No. 172-D.

Mr. Mason made the following report:

The Committee on Foreign Relations, to whom was referred the message of the President of the United States, dated on the 21st instant, with the documents accompanying it, have had the same under consideration, and now report:

It is stated in the message, and shown by the documents accompanying it, that, after a protracted correspondence between the Governments of Great Britain and the United States, they have been unable to agree upon the water line of boundary between the British possessions and the United States after the same diverges from the parallel of 49 degrees of north latitude, as the same is prescribed in the treaty between the two Governments concluded at Washington on the 15th of June, 1846, and that it has been proposed by the Government of Great Britain to refer the same to the arbitrament and final award of either of the three powers named, that is to say: To the King of Sweden and Norway, the King of the Netherlands, or to the Republic of the Swiss Confederation.

And upon these facts the President submits to the consideration of the Senate the following interrogatories:

Will the Senate approve a treaty referring to either of the sovereign powers above named the dispute now existing between the Governments of the United States and Great Britain, concerning the boundary line between Vancouver's Island and the American continent?

In case the referee shall find himself unable to decide where the line is by the description of it in the treaty of 15th of June, 1846, shall he be authorized to establish a line according to the treaty as nearly as possible?

Which of the three powers named by Great Britain, as an arbiter, shall be chosen by the United States?

The committee, after consideration, recommend to the Senate the adoption of the following resolution:

Resolved, That in the opinion of the Senate the boundary in dispute between the Governments of Great Britain and the United States should be referred to the arbitrament and final award of an umpire to be agreed on between the two Governments.

That such umpire should, if practicable, determine said boundary as the same is prescribed in the treaty aforesaid, or, if that be not practicable, then that he be authorized to establish a boundary, conforming as nearly as may be to that provided by said treaty; and that of the three powers referred to in the message of the President, the Senate would indicate as such umpire the Republic of the Swiss Confederation.

MESSAGE RELATIVE TO THE BOUNDARY BETWEEN THE UNITED STATES
AND GREAT BRITAIN, UNDER THE TREATY OF THE 15TH OF JUNE,
1846.

To the Senate of the United States:

The treaty concluded between Great Britain and the United States on the 15th of June, 1846, provided, in its first article, that the line of boundary between the territories of Her Britannic Majesty and those of the United States from the point on the forty-ninth parallel of north latitude, up to which it had already been ascertained, should be continued westward along the said parallel "to the middle of the channel which separates the continent from Vancouver's Island, and thence

southerly through the middle of said channel and of Fuca Straits to the Pacific Ocean." When the commissioners appointed by the two Governments to mark the boundary line came to that point of it which is required to run southerly through the channel which divides the continent from Vancouvers Island they differed entirely in their opinions, not only concerning the true point of deflection from the forty-ninth parallel, but also as to the channel intended to be designated in the treaty. After a long-continued and very able discussion of the subject, which produced no result, they reported their disagreement to their respective Governments. Since that time the two Governments, through their ministers here and at London, have had a voluminous correspondence on the point in controversy, each sustaining the view of its own commissioner, and neither yielding in any degree to the claims of the other. In the meantime the unsettled condition of this affair has produced some serious local disturbances, and on one occasion at least has threatened to destroy the harmonious relations existing between Great Britain and the United States. The island of San Juan will fall to the United States if our construction of the treaty be right, while if the British interpretation be adopted it will be on their side of the line. That island is an important possession to this country, and valuable for agricultural as well as military purposes. I am convinced that it is ours by the treaty fairly and impartially construed. But argument has been exhausted on both sides without increasing the probability of final adjustment. On the contrary, each party seems now to be more convinced than at first of the justice of its own demands. There is but one mode left of settling the dispute, and that is by submitting it to the arbitration of some friendly and impartial power. Unless this be done the two countries are exposed to the constant danger of a collision which may end in war.

It is under these circumstances that the British Government, through its minister here, has proposed the reference of the matter in controversy to the King of Sweden and Norway, the King of the Netherlands, or to the Republic of the Swiss Confederation. Before accepting this proposition, I have thought it right to take the advice of the Senate. The precise questions which I submit are these: Will the Senate approve a treaty referring to either of the sovereign powers above named the dispute now existing between the Governments of the United States and Great Britain concerning the boundary line between Vancouvers Island and the American continent? In case the referee shall find himself unable to decide where the line is by the description of it in the treaty of 15th June, 1846, shall he be authorized to establish a line according to the treaty as nearly as possible? Which of the three powers named by Great Britain as an arbiter shall be chosen by the United States?

All important papers bearing on the questions are herewith communicated in the originals. Their return to the Department of State is requested, when the Senate shall have disposed of the subject.

JAMES BUCHANAN.

WASHINGTON, *February 21, 1861.*

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[List of accompanying papers.]

Mr. Crampton to Mr. Marcy, July 14, 1854. (See bound volume.)

Mr. Marcy to Mr. Crampton, July 22, 1854.

Senate Executive Document, No. 10, first session Thirty-sixth Congress, page 4.

Mr. Crampton to Mr. Marcy, July 18, 1855. (See bound volume.)

Mr. Crampton to Mr. Marcy, February 9, 1856. (See bound volume.)
 Mr. Marcy to Mr. Crampton, February 20, 1856.
 Same to Mr. Dallas, August 11, 1856.
 Same to same, October 8, 1856.
 Mr. Dallas to Mr. Marcy, January 1, 1857. (See bound volume.)
 Mr. Cass to Mr. Dallas, January 17, 1859.
 Mr. Campbell to Mr. Cass, January 20, 1859.
 Mr. Dallas to Mr. Cass, February 4, 1859.
 Same to same, February 25, 1859.
 Lord Lyons to Mr. Cass, May 12, 1859.
 Lord John Russell to Lord Lyons, August 24, 1859.
 Lord Lyons to Mr. Cass, September 3, 1859.
 Same to same, September 7, 1859.
 Same to same, September 9, 1859.
 Mr. Cass to Mr. Dallas, September 22, 1859.
 Mr. Cass to Mr. Dallas, September 24, 1859.
 Lord Lyons to Mr. Cass, October 1, 1859.
 Same to same, October 10, 1859.
 Mr. Dallas to Mr. Cass, October 14, 1859.
 Lord Lyons to same, October 15, 1859.
 Mr. Cass to Mr. Dallas, October 20, 1859.
 Same to Lord Lyons, October 22, 1859.
 Lord Lyons to Mr. Cass, October 24, 1859.
 Mr. Cass to Mr. Dallas, October 24, 1859.
 Mr. Dallas to Mr. Cass, November 11, 1859.
 Lord John Russell to Lord Lyons, November 29, 1859.
 Mr. Dallas to Mr. Cass, December 9, 1859.
 Lord John Russell to Lord Lyons, December 16, 1859.
 Mr. Cass to Mr. Dallas, February 4, 1860.
 Mr. Dallas to Mr. Cass, March 2, 1860.
 Lord John Russell to Lord Lyons, March 9, 1860.
 Mr. Dallas to Mr. Cass, March 23, 1860.
 Same to same, May 11, 1860.
 Lord Lyons to same, May 25, 1860.
 Same to same, June 6, 1860.
 Mr. Cass to Lord Lyons, June 7, 1860.
 Same to same, June 8, 1860.
 Lord Lyons to Mr. Cass, June 8, 1860.
 Same to same, June 9, 1860.
 Same to same, June 14, 1860.
 Mr. Cass to Lord Lyons, June 25, 1860.
 Mr. Irvine to Mr. Trescot, August 17, 1860.
 Mr. Trescot to Mr. Irvine, August 18, 1860.
 Mr. Cass to Lord Lyons, September 8, 1860.
 Lord Lyons to Mr. Cass, November 15, 1860.
 Mr. Cass to Lord Lyons, November 26, 1860.
 Lord Lyons to Mr. Cass, December 10, 1860.

THIRTY-SEVENTH CONGRESS, SPECIAL SESSION.

March 12, 1861.

As to the extension of time for exchange of ratifications of treaty with Costa Rica Mr. Sumner reported as follows:

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the extension of the time for the exchange of the ratification of the convention for the adjustment of claims of citizens of the United States against the Republic of Costa Rica, signed at San Jose on the second day of July, eighteen hundred and sixty, to such time as may be convenient to the plenipotentiaries of the respective parties thereto, the limitations contained in the ninth article thereof to the contrary notwithstanding.

(Ex. Jour., vol. 11, pp. 294, 295.)

S. Doc. 231, pt 8—9

March 13, 1861.

Mr. Sumner made the following report:

The Committee on Foreign Relations, to whom was referred the message of the President of the United States submitting to the Senate the proceedings and award of the commissioners under the convention between the United States and the Republic of Paraguay, proclaimed by the President on the 12th of March, 1860, together with the proceedings and award thereon mentioned, have had the same under consideration and report:

That the message and award appear to have been considered by the Committee on Foreign Relations during the session of Congress which expired on the 4th of March instant, but that, from some inadvertence, no report of the action taken thereon by the committee was made to the Senate.

The committee, therefore, have reconsidered the questions arising upon the documents referred, and, reserving for the decision of the Senate whether it be competent for a committee appointed under the special authority of the present session of the Senate to act upon a matter neither recommitted nor referred specially to them, respectfully request to be discharged from the further consideration of the message and award referred to in the premises, and report for that purpose the following order:

Ordered, That the Committee on Foreign Relations be discharged from the further consideration of the message of the President of the United States, of the 12th of February, submitting to the Senate the proceedings and award of the commissioners under the convention between the United States and the Republic of Paraguay, proclaimed by the President on the 12th of March, 1860, which had been referred to the Committee on Foreign Relations at the second session of the Thirty-sixth Congress, and not reported on by said committee at said session.

(Ex. Jour., vol. 11, p. 302.)

March 19, 1861.

Mr. Sumner made the following report:

The Committee on Foreign Relations, to whom was referred the message of the President of the United States dated the 16th instant, with the documents accompanying it, have had the same under consideration and now report:

The treaty concluded between Great Britain and the United States on the 15th of June, 1846, provided in its first article that the line of boundary between the territories of Her Britannic Majesty and those of the United States from the point on the forty-ninth parallel of north latitude, up to which it had already been ascertained, should be continued westward along the said parallel "to the middle of the channel which separates the continent from Vancouvers Island, and thence southerly through the middle of said channel and of Fuca Straits to the Pacific Ocean." When the commissioners appointed by the two Governments to mark the boundary line came to that point of it which is required to run southerly through the channel dividing the continent from Vancouvers Island they differed entirely in their opinions, not only concerning the true point of deflection from the forty-ninth parallel, but also as to the channel intended to be designated in the treaty. After a long discussion of the subject, which pro-

duced no result, they reported their disagreement to their respective Governments. Since that time the two Governments, through their ministers here and at London, have had a voluminous correspondence on the point in controversy, each sustaining the view of its own commissioner, and neither yielding in any degree to the claims of the other. In the meantime the unsettled condition of this affair has produced some serious local disturbances, and, on one occasion at least, has threatened to destroy the harmonious relations existing between Great Britain and the United States.

The island of San Juan, with other small islands, will fall to the United States if our construction of the treaty be right; while if the British interpretation be adopted these islands will be on their side of the line. President Buchanan, in his message to the Senate of the 21st of February, 1861, declared his conviction that the territory thus in dispute "is ours by the treaty fairly and impartially construed." But the British Government, on their side, have insisted that it is theirs. The argument on both sides seems to have been exhausted.

Under these circumstances, it appears by the correspondence submitted to the Senate that General Cass, by letter of the 25th of June, 1860, to Lord Lyons, the British minister at Washington, invited the British Government to make a proposition of adjustment:

And I have it further in charge to inform your lordship [says General Cass] that this Government is ready to receive and fairly to consider any proposition which the British Government may be disposed to make for a mutually acceptable adjustment, with an earnest hope that a satisfactory arrangement will speedily put an end to all danger of the recurrence of those grave questions which have more than once threatened to interrupt that good understanding which both countries have so many powerful motives to maintain.

The reply of the British Government to this invitation was communicated by Lord Lyons, in a letter addressed to General Cass, dated 10th of December, 1860, in the course of which he uses the following language:

In reference to the line of the water boundary intended by the treaty, with respect to which also Her Majesty's Government have been invited by the United States Government to make a proposition for its adjustment, I am instructed to inform you that Her Majesty's Government are glad to reciprocate the friendly sentiments expressed in your note of the 25th of June, and will not hesitate to respond to the invitation which has been made to them.

It appears to Her Majesty's Government that the argument on both sides being nearly exhausted, and neither party having succeeded in producing conviction on the other, the question can only be settled by arbitration.

Lord Lyons then proceeds to the details connected with the offered arbitration, and, in behalf of his Government, proposes that the King of the Netherlands, or the King of Sweden and Norway, or the President of the Federal Council of Switzerland, should be invited to be the arbiter.

And upon these facts the President submits to the consideration of the Senate the following interrogatories:

Will the Senate approve a treaty referring to either of the sovereign powers above named the dispute now existing between the Governments of the United States and Great Britain concerning the boundary line between Vancouver's Island and the American continent?

In case the referee shall find himself unable to decide where the line is by the description of it in the treaty of the 15th of June, 1846, shall he be authorized to establish a line according to the treaty as nearly as possible?

Which of the three powers named by Great Britain as an arbiter shall be chosen by the United States?

The committee, after consideration, recommend to the Senate the adoption of the following resolution:

Resolved, That in pursuance of the message of the President of the 16th instant, the Senate advises a reference of the existing dispute between the Government of the United States and the Government of Great Britain concerning the boundary line which separates Vancouver's Island and the American continent to the arbitration of a friendly power, with authority to determine the line according to the provisions of the treaty of the 15th of June, 1846, but without authority to establish any line but that provided for in the treaty.

That of the three powers named by Great Britain the Senate advises that the Republic of Switzerland be chosen by the United States as arbiter.

(Ex. Jour., vol. 11, p. 314.)

THIRTY-SEVENTH CONGRESS, SECOND SESSION.

February 19, 1862.

On the message of the President transmitting draft of a convention with Mexico Mr. Sumner reported as follows:

The Committee on Foreign Relations, to whom was referred a message from the President of the United States, of December 17, 1861, transmitting a draft for a convention with the Republic of Mexico, with accompanying papers, and a message from the President of the United States, of January 24, 1862, transmitting a dispatch from Mr. Corwin, have had the same under consideration, and report:

On the 2d of September, 1861, Mr. Seward addressed to Mr. Corwin, at Mexico, a dispatch, in which he says that the President greatly desires that the political status of Mexico as an independent nation should be permanently maintained; that the events communicated by Mr. Corwin alarmed him, and that he conceived that the people of the United States would scarcely justify him were he to make no effort for preventing so great a calamity on this continent as would be the extinction of that Republic; that he had, therefore, determined to empower Mr. Corwin to negotiate a treaty with Mexico for the assumption by the United States of the interest, at 3 per cent, upon the funded debt of that country, the principal of which was understood to be about \$62,000,000, for the term of five years from the date of the decree recently issued by Mexico suspending such payment, provided that Mexico could pledge to the United States its faith for the reimbursement of this money, with 6 per cent interest, to be secured by a special lien upon all the public lands and mineral rights in the several Mexican States of Lower California, Chihuahua, Sonora, and Sinaloa, the property so pledged to become absolute in the United States at the expiration of the term of six years from the time when the treaty went into effect if such reimbursement be not made before that time. The President felt that this course was rendered necessary by circumstances as new as they were eventful, and which seemed to admit of no delay.

Mr. Seward proceeds to say in his instructions that they are conditional upon the consent of the British and French Governments to forbear from action against Mexico on account of her failure or refusal to pay the interest in question until after the treaty shall have been submitted to the Senate, and, if ratified, then so long thereafter as the interest should be paid by the United States.

Mr. Seward adds that his instructions are not to be considered as

specific, but general, subject to modifications as to sums, terms, securities, and other points.

Mr. Corwin, in an earlier dispatch, dated at Mexico, 29th July, 1861, and addressed to Mr. Seward, had already suggested the policy which he was now authorized to pursue, and proposed to obtain a lien on the public lands and mineral rights in the provinces mentioned by Mr. Seward. By such an arrangement, in his opinion, two consequences would follow: First, all hope of extending the domain of a separate southern republic in this quarter or in Central America would be extinguished; and, secondly, any further attempt to establish European power on this continent would cease to occupy either England or continental Europe.

Afterwards, in a dispatch dated at Mexico, November 29, 1861, Mr. Corwin inclosed to Mr. Seward the project of a treaty between the United States and Mexico by which the United States was to lend to Mexico \$5,000,000, payable in monthly installments of one-half million a month; also the further sum of \$4,000,000, payable in sums of one-half million every six months; the whole loan to be secured by a mortgage on the public lands, mineral rights, and church property of Mexico, for the realization of which a board of five commissioners was to be organized, three to be appointed by Mexico and two by the United States, holding sessions in the city of Mexico until the debt and interest are fully discharged. No reference was made in the proposed treaty to the consent of the British and French Governments mentioned by Mr. Seward as a condition, nor to the application of the money when received by Mexico, nor does anything on this subject appear in the accompanying dispatch.

The President, by his message of December 17, 1861, submitted the draft of this treaty to the Senate for their advice. Afterwards, by another message, of January 24, 1862, he called their attention to it again in the following language:

I have heretofore submitted to the Senate a request for its advice upon the question pending by treaty for making a loan to Mexico, which Mr. Corwin thinks will, in any case, be expedient. It seems to me to be my duty now to solicit an early action of the Senate upon the subject, to the end that I may cause such instructions to be given to Mr. Corwin as will enable him to act in the manner which, while it will most carefully guard the interests of our country, will at the same time be most beneficial to Mexico.

Meanwhile, Great Britain, France, and Spain, by a convention dated at London, October 31, 1861, have entered into an alliance the declared object of which is "to demand from the authorities of the Republic of Mexico more efficacious protection for the persons and properties of their subjects, as well as a fulfillment of the obligations contracted by the Republic of Mexico." The high contracting parties engaged not to seek for themselves in the employment of coercive measures any acquisition of territory nor any special advantage, and not to exercise in the internal affairs of Mexico any influence of a nature to prejudice the right of the Mexican nation to choose and to constitute freely the form of its government. They further declare that, desiring that the measures they intend to adopt should not bear an exclusive character, and being aware that the Government of the United States, on its part, has, like them, claims to enforce upon the Mexican Republic, they agree that this Government shall be invited to accede to this convention.

Mr. Seward, in a dispatch dated at Washington, December 4, 1861, declined to become a party to this convention, saying "that the United

States prefer, as much as lies in their power, to maintain the traditional policy recommended by the Father of their Country, confirmed by successful experience, and which forbids them to make an alliance with foreign powers."

In pursuance of this convention, the naval and military forces of the three great powers have assembled at San Juan d'Ulloa, and the flags of the three powers now float over the castle. The Government of Mexico has rallied the people to resist these powers, and there is at this moment the prospect of a prolonged and exhausting contest. The occasion seems now to have arrived when the aid proposed by Mr. Seward in his dispatch of September 2, 1861, may be of decisive importance to Mexico. To the United States it would also be of great importance if it could be the means of removing from Mexico the pressure of these hostile armaments and in placing a neighbor republic in a more tranquil and independent condition. If the allied powers simply desire security for their claims, and nothing else, then a reasonable provision of this nature ought to be satisfactory, so far as any question arises from the claim.

The debt of Mexico to the allied powers may be stated, in round numbers, as follows:

To England, immediate, say	\$1,000,000
Convention, 4 per cent interest	5,000,000
Bondholders, 3 per cent interest	65,000,000
General claims, say	4,000,000
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	75,000,000
	<hr/>
To France, immediate, say	500,000
Convention, balance	200,000
Pennaud agreement	800,000
Claims, general, say	8,500,000
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	5,000,000
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To Spain, immediate, say	500,000
Convention, 3 per cent interest	8,000,000
Claims, say	1,500,000
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	10,000,000
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Total	90,000,000

Of course any payment or guaranty of this large mass on our part is out of the question, nor was it contemplated by the United States in the original instructions to Mr. Corwin. It was proposed to make such payment as would afford present relief to Mexico and would secure the forbearance of the allied powers. To this end Mr. Seward offered to assume the interest of the Mexican debt for the term of five years. But the claims in the foregoing list, which are not funded and are entitled "immediate," it is understood, are pressed with equal energy by the allied powers. If these were satisfied, and provision were made for the interest, the United States would have the following liabilities: Payments, immediate, or, say, at three, six, and twelve months, as follows:

To England, say six and twelve months' drafts of Mexico on United States	\$1,000,000
To France, say six and twelve months' drafts of Mexico on United States	700,000
To Spain, say six and twelve months' drafts of Mexico on United States	500,000
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Total cash or three, six, and twelve months	2,200,000

Interest, say semiannual drafts of Mexico on the United States:

To England, convention, 4 per cent.	\$200,000
Bondholders, 8 per cent.	1,950,000
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	2,150,000
To Spain, convention, 3 per cent.	240,000
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Total interest per annum.	2,390,000

Certain other outstanding claims of the allied powers are not included in either of these lists. It has been proposed that these should be provided for by a sinking fund, at the rate of 10 per cent for ten years, as follows:

Sinking fund for claims, 10 per cent per annum for ten years:

To England (claims), per annum.	\$400,000
To France (Pennaud agreement), per annum.	80,000
To France (claims), per annum.	350,000
To Spain (claims), per annum.	150,000
	<hr/>
	980,000

The assumption of all these liabilities for a long period would throw upon the United States a burden too great for the present moment, although, perhaps, not out of proportion to the anticipated advantages. If anything be done on our part, it must be more moderate. The offer of Mr. Seward for five years, if accepted, would throw upon the United States a responsibility sufficiently large; and this responsibility ought to be kept within a limitation of which \$15,000,000 should be a maximum.

But there are two conditions which must be required by the United States before the assumption of any such responsibility. The first is the assent of the allied powers, and the acceptance on their part of the friendly offers of the United States. Unless these allied powers are parties to the transaction it would be productive only of embarrassment and loss, without accomplishing any permanent good to the United States or to Mexico.

The other essential condition is that security should be given by Mexico to the United States for the liabilities assumed. It is not too much to expect such security, nor is Mexico, as is well known, disinclined to give it. Her creditors are now foreclosing their demands upon her at the cost, perhaps, of her national existence, and she turns to the United States for help. Not merely friendship, but a continental policy, affecting, perhaps, our own cherished interest, prompts us to afford such help, so far as in our power. In asking for security we shall simply follow the rules of prudence, whether between nations or individuals.

The security proposed by Mr. Corwin on the public lands, minerals, and church property of Mexico would render necessary the appointment of a board of mixed commission for the management and disposition of this property. This necessity seems to add to the complications of such a security.

The security proposed by Mr. Seward on the public lands and mineral rights in the several provinces of Lower California, Chihuahua, Sonora, and Sinaloa is simple, and it is understood that in some of this territory there is a vast mineral wealth. The province of Lower California is unquestionably the territory of Mexico most interesting to the United States in a military and naval point of view.

Another security, perhaps less manageable, but more interesting still, would be the right of way across the isthmus of Tehuantepec,

with a mortgage on the adjoining public lands of the isthmus. Estimated by its pecuniary value, this security would not be large; but there can be no doubt of its political and commercial importance.

Still another security would be a pledge by Mexico of 25 per cent, or, perhaps, a larger percentage of the customs or other revenues.

But it is not easy to say positively at this distance from the scene of operations, and with the information before the committee, what is the most practicable form of security. Perhaps it is advisable to leave this matter to the careful discretion of our minister at Mexico, under instructions from the President, with the explicit understanding that the United States declines any territorial acquisition, and seeks the consolidation of Mexico without dismemberment of any kind.

Such are the main features of the question on which the President has asked the advice of the Senate. With more precise information on matters of detail it might be proper for the Senate to enter upon details in its answer. But such information, especially with regard to the actual relations, now daily changing, between Mexico and the allied powers, can be obtained only on the spot. It is evident, therefore, that the Senate can do little more than indicate an opinion on what has already been done, and declare the proper principles on which a negotiation with Mexico should be conducted, without presuming to fix in advance all its terms. Much must be left to the discretion of our minister there, and to the instructions which he will receive from the President.

The committee recommend the passage of the following resolution:

Resolved, That in the changing condition of the relations between Mexico and the allied powers, and in the absence of precise information, it is impossible for the Senate to advise the President with regard to all the terms of a treaty with Mexico so as to supersede the exercise of a considerable discretion on the part of our minister there, under instructions from the President, but that, in answer to the two several messages of the President, the Senate expresses the following conclusions:

First. The Senate approves the terms of the instructions to our minister at Mexico as contained in the dispatch bearing date September second, eighteen hundred and sixty-one.

Secondly. The Senate does not advise a treaty in conformity with the project communicated by our minister to Mexico in his dispatch of November twenty-ninth, eighteen hundred and sixty-one, as the same fails to secure in any way the application of the money in question to the demands of the allied powers, or either of them, and therefore can be in no respect satisfactory to them.

Thirdly. The Senate advises a treaty with Mexico providing for the assumption of the interest on the debt from Mexico to the allied powers for a limited period of time, and also for the payment of certain immediate claims by these powers, the whole liability assumed to be kept within the smallest possible sum, it being understood that the same shall be accepted by the allied powers in present satisfaction of their claims, so that they shall withdraw from Mexico, and that the same shall be secured by such mortgage or pledge as shall be most practicable, without any territorial acquisition or dismemberment of Mexico.

(Ex. Jour., vol. 12, pp. 122, 126.)

February 19, 1862.

On the treaty of extradition with Mexico, Mr. Sumner reported as follows:

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the treaty between the United States of America and the United Mexican States for the extradition of criminals, concluded at Mexico the eleventh of Decem-

ber, eighteen hundred and sixty-one, with the following amendment: Strike out of article 3 the following words: "Or embezzlement by any person or persons, hired or salaried, to the detriment of their employe(r)s."

(Ex. Jour., vol. 12, pp. 126, 149, 227.)

March 5, 1862.

Mr. Sumner made the following report:

The Committee on Foreign Relations, to whom was referred the message of the President transmitting a note addressed to the Secretary of State by the envoy extraordinary and minister plenipotentiary of the Granadian Confederation, with a communication from the special commissioner of that Republic and a letter from the special commissioner of the United States, under the convention of September 10, 1857, setting forth the impracticability of disposing of the cases submitted to the joint commission now in session under that convention within the period described therein, have given the subject mentioned most careful attention, and beg to report the accompanying resolution and to recommend its adoption:

Resolved (two-thirds of the Senators present concurring), That in pursuance of the recommendation of the President of the United States, as set forth in his message of the third instant, the Senate advise and consent to the extension of the time fixed for the termination of the labors of the joint commission under the convention between the United States and New Granada of the tenth September, eighteen hundred and fifty-seven, for the additional period of six months: *Provided,* That the Government of the Granadian Confederation shall duly assent to such extension, and that meanwhile it shall not be discharged from liability for claims before the commission and undecided by reason of the inability of the commission to pass upon them within the time prescribed by the convention.

(Ex. Jour., vol. 12, p. 151.)

May 7, 1862.

Mr. Sumner made the following report:

The Committee on Foreign Relations, to whom was referred the message of the President communicating certain proceedings of the Government of Nicaragua relative to amendments of the treaty of friendship and commerce between the United States of America and Nicaragua, concluded on the 16th of March, 1859, beg to report the same to the Senate and to recommend the adoption of the following amendment:

After the following amendment, adopted by the Senate to the sixteenth article of the said treaty, "but no duty or power imposed upon or conceded to the United States by the provisions of this article shall be performed or exercised except by authority and in pursuance of laws of Congress hereafter enacted," add the following clause, viz: *it being understood that such laws shall not affect the protection and guarantee of the neutrality of the routes of transit nor the obligation to withdraw the troops which may be disembarked in Nicaragua directly; that,*

in the judgment of the Government of this Republic, they should no longer be necessary nor in any manner bring about new obligations on Nicaragua nor alter her rights in virtue of the present treaty.

And also that the Senate advise and consent to the extension of the time for the ratifications of the aforesaid treaty and all the amendments hereby and heretofore duly made thereto and adopted by the respective Governments for twelve months from and after the date of the adoption of this resolution, anything contained in the aforesaid treaty to the contrary notwithstanding.

(Ex. Jour., vol. 12, p. 283.)

May 29, 1862.

Mr. Sumner made the following report:

The Committee on Foreign Relations, to whom was referred the message of the President, of the 5th of March, relating to the award made by the joint commission under the convention between the United States and Paraguay, of the 4th of February, 1859, desiring further information on the subject, beg to report the following resolution and to recommend its adoption:

Resolved, That the President be requested to communicate to the Senate copies of all correspondence between the present Secretary of State and the minister of the United States at Paraguay, relating to the claims of American citizens on that country; and also all instructions to the said minister.

June 18, 1862.

On the extradition treaty with Salvador, Mr. Sumner reported as follows:

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the general treaty of amity, consular privileges, and extradition between the United States of America and the Republic of Salvador, concluded at the city of Washington the twenty-ninth May, eighteen hundred and sixty-two, with the following amendment: In article 38 strike out the following words: "or by persons hired or salaried, to the detriment of their employers."

(Ex. Jour., vol. 12, pp. 361, 369.)

THIRTY-SEVENTH CONGRESS, THIRD SESSION.

February 13, 1863.

[Senate Report No. 88.]

Mr. Doolittle made the following report:

The Committee on Foreign Relations, having been instructed by the Senate to inquire what further legislation, if any, is required to carry into effect the fourth article of the treaty with Great Britain of August 9, 1842, submit the following report:

The fourth article of the treaty of Washington concluded between

Great Britain and the United States on the 9th of August, 1842, is in the following words:

All grants of lands heretofore made by either party within the limits of the territory which by this treaty falls within the dominions of the other party shall be held valid, ratified, and confirmed to the persons in possession under such grants to the same extent as if such territory had by this treaty fallen within the dominions of the party by whom such grants were made; and all equitable possessory claims arising from a possession and improvement of any lot or parcel of land by the person actually in possession, or by those under whom such person claims, for more than six years before the date of this treaty shall in like manner be deemed valid and be confirmed and quieted by a release to the person entitled thereto of the title to such lot or parcel of land so described as best to include the improvements made thereon: and in all other respects the two contracting parties agree to deal upon the most liberal principles of equity with the settlers actually dwelling upon the territory falling to them, respectively, which has heretofore been in dispute between them.

So far as the United States are concerned, the foregoing article is an agreement on their part to respect the possessions of all persons found at the date of the treaty upon that part of the before-disputed territory which fell to Maine by the new line of boundary. The extent to which such possessions are to be respected is accurately defined.

All persons in possession under grants are to have their grants fully confirmed according to their terms.

All persons holding by mere possession, if their possession dates six years or more prior to the treaty, are to hold their lands run out by metes and bounds so as to cover their improvements, and they are to be "confirmed and quieted by a release to the person entitled thereto of the title to such lot or parcel of land."

All persons holding by mere possession, if their possession did not commence six years prior to the treaty, are entitled to the benefit of the following stipulation:

And in all other respects the two contracting parties agree to deal upon the most liberal principles of equity with the settlers actually dwelling upon the territory falling to them, respectively, which has heretofore been in dispute between them.

It appears that in 1843 the States of Maine and Massachusetts instituted a joint commission to examine the claims of persons entitled to be confirmed in their grants and possessions, and authorized deeds of release to be made to the persons found to be thus entitled. The ownership of nearly all the lands in the before-disputed territory was then jointly in those two States. The operations of the commission instituted in 1843 were principally confined to the settlements of the Madawaska French, which were ancient and well known. It soon became apparent, however, that a large number of cases of claims entitled to be quieted existed, and which had escaped attention by being scattered over a great territory little accessible by roads and of which not much was known in Maine until some years after the possession of it was recovered by the treaty. Accordingly, in 1854, Maine, having become in the meantime the owner of all the lands by a purchase of the half belonging to Massachusetts, instituted a new commission to ascertain and report all the cases of possessory rights which had escaped the attention of the commission instituted in 1843.

The first commission reported as entitled to be confirmed 53,822 acres, and this was done by deeds from Maine and Massachusetts, who were the owners of the land. Of this land, 52,300 acres were the joint property of Massachusetts and Maine and 1,521 acres were the separate property of Maine.

The second commission reported as entitled to be confirmed 63,454

acres of land belonging to the State of Maine and 8,107 acres belonging to private proprietors in the Eaton grant and in the Plymouth township.

By an act of the present Congress, passed at the first session, the persons in possession of these 8,107 acres of land in the Eaton grant and in the Plymouth township have been quieted. This act made an appropriation, at the rate of \$4 per acre, to induce the private proprietors to execute the "releases to the persons entitled thereto," which the United States are under treaty obligations to procure.

As to the 63,454 acres of the lands of Maine, now in the occupancy of persons entitled to be quieted in their possessions, Maine has indicated her willingness to quiet them by the necessary releases of title, upon receiving from the United States an adequate compensation for these lands and for the lands conveyed under the report of the commission instituted in 1843.

And the call is now made upon the United States to execute the fourth article of the treaty of Washington, by making such an appropriation of money in payment for the lands of Massachusetts and Maine falling within the purview of the article as will compensate their fair value and thus justify Maine in executing the releases of title which are stipulated by the treaty.

The duties of the United States under the fourth article of the treaty of Washington have been acknowledged not only by the passage of the law to quiet titles in the Eaton grant and in the Plymouth Township, but by the payment to Maine and Massachusetts of the expenses of the commissions before referred to, as instituted in 1843 and 1854.

The suggestion may, perhaps, be made that Maine and Massachusetts have already been paid for the lands taken from them by the fourth article, but this suggestion will not bear examination.

By the new line of boundary fixed by the treaty Maine lost 5,012 square miles, or 3,207,680 acres, of the jurisdiction and soil of territory to which her title had been declared indisputable by the Federal Government. The consideration received by Maine and Massachusetts for the soil, nothing being allowed for the jurisdiction surrendered, was \$300,000. And it abundantly appears that this payment was proposed for their assent to the new line of boundary and the consequent loss of territory north of the river St. John, and not as the price of lands which they might lose under the fourth article. This payment was proposed by Mr. Webster as the consideration of their assent to the treaty, when it did not contain the provision now contained in the fourth article.

In a letter to the commissioners of those States of July 15, 1842, Mr. Webster says:

Under the influence of these considerations, I am authorized to say that if the commissioners of the two States assent to the line as described in the accompanying paper the United States will undertake to pay these States the sum of \$250,000, to be divided between them in equal moieties; and also to undertake for the settlement and payment of the expenses incurred by these States for the maintenance of the civil posse, and also for a survey which it was found necessary to make. The line as suggested, with the compensations and equivalents, which have been stated, is now submitted for your consideration.

The pecuniary equivalents proposed were for the assent of Maine and Massachusetts to a new line of boundary. The "accompanying paper" referred to by Mr. Webster did not contain the provisions set out in the fourth article. That was added as one of the conditions of the assent of Maine.

In the acceptance (July 20, 1842) of Mr. Webster's proposition by the commissioners of Massachusetts the following language is used:

The State of Massachusetts, through her commissioners, hereby relinquishes to the United States her interest in the lands which will be excluded from the dominion of the United States by the establishment of the boundary aforesaid.

The treaty itself, in the fifth article, defines with precision for what the sum of \$300,000 was paid to Maine and Massachusetts, in the following language:

The Government of the United States agreeing with the States of Maine and Massachusetts to pay them the further sum of \$300,000, in equal moieties, on account of their assent to the line of boundary described in this treaty, and in consideration of the conditions and equivalents received therefor from the Government of Her Britannic Majesty.

The treaty of Washington, so far as boundaries were concerned, was, in fact, an exchange of territory in Maine for territory added to New Hampshire, Vermont, and New York, and for territory acquired by the United States in the Northwest, while the \$300,000 paid to Maine and Massachusetts was the assumed value of these territorial advantages obtained elsewhere at the expense of Maine. This is so expressly stated in the treaty itself, but will be illustrated by some reference to the correspondence which preceded it.

In his note of June 21, 1842, to Mr. Webster, Lord Ashburton says:

It may be well at the same time to state my views respecting the adjoining boundary of the States of New Hampshire, Vermont, and New York, because they made part of the reference to the King of the Netherlands, and were, indeed, the only part of the subject in dispute upon which a distinct decision was given.

The question here at issue between the two countries was as to the correct determination of the parallel of latitude and the true source of the Connecticut River. Upon both these points decisions were pronounced in favor of Great Britain. * * * I am nevertheless disposed to surrender the whole of this case, if we should succeed in settling, as proposed, the boundary of Maine.

In their note of June 29, 1842, to Mr. Webster, the Maine commissioners say:

It appears, by his (Lord Ashburton's) communication to you that his lordship proposes to yield the disputed territory claimed by New Hampshire at the sources of the Connecticut River; the strip of disputed territory, embracing Rouse's Point, on Lake Champlain, north of the same parallel, in the possession of the State of New York, notwithstanding they have been decided by the arbiter to belong of right to Great Britain.

Now, the undersigned are fully aware of the importance of having all those difficulties in regard to boundaries amicably adjusted, and that it is highly desirable to have them so adjusted, and to the particular States interested to be confirmed and quieted in their respective limits and possessions. But it can not have escaped your attention that all this is proposed to be done partly at the expense of Massachusetts, but principally at the expense of Maine.

In his note of July 8, 1842, to Lord Ashburton, Mr. Webster says:

Your lordship intimates that, as a part of the general arrangement of boundaries, England would be willing to surrender to the United States Rouse's Point, and all the territory heretofore supposed to be within the boundaries of New Hampshire, Vermont, and New York, but which a correct ascertainment of the forty-fifth parallel of north latitude shows to be included within the British line. This concession is, no doubt, of some value. If made, its benefits would inure partly to those three States and partly to the United States, and none of it to the particular interests of Maine and Massachusetts. If regarded, therefore, as a part of the equivalent for the manner of adjusting the northeastern boundary, the two last States would perhaps expect that the value, if it could be ascertained, should be paid to them.

In his letter of July 15, 1842, to the Maine commissioners, Mr.

Webster, after reciting the cessions offered by Great Britain to New Hampshire, Vermont, and New York, says:

It is probable also that the disputed line of boundary in Lake Superior might be so adjusted as to leave a disputed island within the United States.

These cessions on the part of England would inure partly to the benefit of the States of New Hampshire, Vermont, and New York, but principally to the United States. The consideration on the part of England for making them would be the manner agreed upon for adjusting the eastern boundary. The price of the cession, therefore, whatever it might be, would in fairness belong to the two States interested in the manner of that adjustment.

In his message of August 11, 1842, communicating the treaty of Washington to the Senate of the United States, President Tyler says:

Connected with the settlement of the line of the northeastern boundary, so far as it respects the States of Maine and Massachusetts, is the continuation of that line along the highlands to the northwesternmost head of Connecticut River. Which of the sources of that stream is entitled to that character has been matter of controversy and of some interest to the State of New Hampshire. The King of the Netherlands decided the main branch to be the northwesternmost head of the Connecticut. This did not satisfy the claim of New Hampshire. The line agreed to in the present treaty follows the highlands to the head of Hall's Stream, and thence down that river, embracing the whole claim of New Hampshire and establishing her title to 100,000 acres of territory more than she would have had by the decision of the King of the Netherlands.

By the treaty of 1783 the line is to proceed down the Connecticut River to the 45th degree of north latitude, and thence west by that parallel till it strikes the St. Lawrence. Recent examinations having ascertained that the line heretofore received as the true line of latitude between those points was erroneous and that the correction of this error would not only leave on the British side a considerable tract of territory heretofore supposed to belong to the States of Vermont and New York, but also Rouse's Point, the site of a military work of the United States, it has been regarded as an object of importance not only to establish the right of jurisdiction of those States up to the line to which they have been considered to extend, but also to comprehend Rouse's Point within the territory of the United States. The relinquishment by the British Government of all the territory south of the line heretofore considered to be the true line has been obtained, and the consideration of this relinquishment is to inure, by the provisions of the treaty, to the State of Maine and Massachusetts.

President Tyler notices also the acquisition by this treaty of "Sugar Island, or St. George's Island, lying in St. Mary's River, on the water communication between Lakes Huron and Superior," and observes in respect to this island that "both from soil and position it is regarded as of much value."

He notices also that from Lake Superior to the Lake of the Woods the British commission under the treaty of Ghent had "insisted on proceeding to Fon du Lac, at the southwest angle of the lake, and thence by the river St. Louis to the Rainy Lake," whereas by the treaty of Washington the line starts from Lake Superior at the mouth of Pigeon River. Upon the additional territory thereby confirmed to the United States President Tyler observes:

The region of country on and near the shore of the lake between Pigeon River on the north and Fond du Lac and the river St. Louis on the south and west, considered valuable as a mineral region, is thus included in the United States. It embraces a territory of 4,000,000 acres northward of the claim set up by the British commission under the treaty of Ghent.

It thus abundantly appears that the \$300,000 stipulated by the fifth article of the treaty to be paid to Maine and Massachusetts had no reference to the lands lost by them under the fourth article, but was solely for their assent to a new line of boundary, and their consequent loss of territory north of the St. John's River. And it also appears that this sum was not paid to them either as a gratuity or even as an

indemnity for their loss of territory, but as the assumed value of the cession obtained for it elsewhere by the United States of territory, undoubtedly British, on the north of New Hampshire, Vermont, and New York, and of the settlement in favor of the United States of disputed points in respect to a valuable island in the St. Mary's River and to the boundary line west of Lake Superior. The liberality and patriotism of Maine and Massachusetts in yielding so much for the national good, for a compensation so inadequate, well deserved the following acknowledgment in the message of President Tyler of August 11, 1842:

Ordinarily, it would be no easy task to reconcile and bring together such a variety of interests in a matter in itself difficult and perplexing; but the efforts of the Government in attempting to accomplish this desirable object have been seconded and sustained by a spirit of accommodation and conciliation on the part of the States interested, to which much of the success of these efforts is to be ascribed.

Upon the whole case, the committee believe that the United States are under obligations to quiet the settlers upon the public lands of Massachusetts and Maine, under the fourth article of the treaty of Washington, by procuring for them releases of the titles to their lots, and that for this purpose an appropriation should be made equal to the fair value of these lots.

In 1852 the Committee on the Judiciary of the Senate reported that this fair value would be \$1.50 per per acre.—(Senate Reports, No. 361, Thirty-second Congress, second session.)

An agent of the United States who visited the Eaton grant and Plymouth Township, under authority of a resolution adopted by the Senate on the 18th of July, 1856, reported as his own opinion, which is confirmed by the evidences accompanying his report that the value, in a state of nature, of the lots taken by settlers in those tracts, was \$2 per acre.

It is not probable that the value of the lots taken by settlers in those tracts exceeds the average value of the lots taken by them upon the lands of Maine and Massachusetts. They are all selected and choice lots, in a region of great fertility.

The committee, however, have reason to suppose that under the difficulties of the times an appropriation at the rate of \$1.25 per acre, the minimum price of the lands of the United States, will be sufficient to obtain the releases of title which the United States are bound to procure.

The committee have also considered it expedient to require as a condition that Maine shall assume to quiet any further rights of settlers under the fourth article of the treaty of Washington which may hereafter be discovered to exist.

It appears from the testimony taken by the agent of the United States, appointed under the Senate resolution of July 18, 1856, that the prosperity of the late disputed territory in Maine has been considerably retarded by the delays, already long, which have occurred in quieting the titles of settlers. The agent says, in his report, that "the value of the improvements has not materially increased since the making of the treaty, and the reason assigned for the absence of improvements is the uncertain tenure by which they hold their lands."

The treaty of Washington having been concluded in 1842, and the final ascertainment of possessory rights under the fourth article having been made in 1854, the committee believe that the duty of the United States in the premises should be discharged without further delay; and therefore report the accompanying bill.

February 17, 1863.

On the treaty with Peru, Mr. Sumner reported as follows:

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the convention between the United States of America and the Republic of Peru for the settlement of the pending claims of the citizens of either country against the other, signed at Lima, January twelfth, eighteen hundred and sixty-three, with the following amendment:

In Article I, strike out the words "the claims of the American citizens, Dr. Charles Easton, Edmund Sartori, and the owners of the whaleship William Lee, against the Government of Peru, and the Peruvian citizen Stephen Montano against the Government of the United States," and insert all claims of citizens of the United States against the Government of Peru, and of citizens of Peru against the Government of the United States, which have not been embraced in conventional or diplomatic agreement between the two Governments or their plenipotentiaries, and statements of which, soliciting the interposition of either Government, may, previously to the ratification of this convention, have been filed in the Department of State at Washington or the department of foreign affairs at Lima.

(Ex. Jour., vol. 13, pp. 140, 143, 144.)

THIRTY-EIGHTH CONGRESS, FIRST SESSION.

March 8, 1864.

[Senate Report No. 20.]

Mr. Doolittle made the following report:

The Committee on Foreign Relations having been instructed by the Senate to inquire what further legislation, if any, is required to carry into effect the fourth article of the treaty with Great Britain of August 9, 1842, submit the following report.

[See Senate Report 88, Thirty-seventh Congress, first session, p. 138.]

THIRTY-NINTH CONGRESS, FIRST SESSION.

March 13, 1866.

[Senate Report No. 33.]

Mr. Doolittle made the following report:

The Committee on Foreign Relations having been instructed by the Senate to inquire what further legislation, if any, is required to carry into effect the fourth article of the treaty with Great Britain of August 9, 1842, submit the following report.

[See Senate Report 88, Thirty-seventh Congress, first session, p. 138.]

FORTIETH CONGRESS, FIRST SESSION.

April 17, 1867.

On the resolution of Mr. Howe of March 25, 1867, relative to the resignation of J. Lothrop Motley as minister to Austria, Mr. Sumner reported as follows:

Strike out all after the word "*Resolved*," and in lieu thereof insert:

That upon consideration of the correspondence between the Secretary of State and Mr. Motley, minister of the United States at Vienna, the Senate do not regard it as showing a desire on the part of Mr. Motley to retire from the mission, but as the expression of a sensitive nature when repelling injurious charges which he knew to be false; and the Senate advise the President that in their opinion for the present no other nomination should be made for this mission.

(Ex. Jour., vol. 15, pp. 519, 750.)

FORTIETH CONGRESS, SECOND SESSION.

December 17, 1867.

On the message of the President as to proposed modification of treaty with China, Mr. Sumner reported as follows:

Resolved (two-thirds of the Senators present concurring), That the Senate do advise and consent to the modification of the treaty between the United States and China concluded at Tientsin on the eighteenth of June, eighteen hundred and fifty-eight, so that the nineteenth article shall be understood to include hulks and store-ships of every kind under the term merchant vessels; and so that it shall provide that if the supercargo, master, or consignee shall neglect, within forty-eight hours after a vessel casts anchor in either of the ports named in the treaty, to deposit the ship's papers in the hands of the consul or person charged with his functions, who shall then comply with the requisitions of the nineteenth article of the treaty in question, he shall be liable to a fine of fifty taels for each day's delay. The total amount of penalty, however, shall not exceed two hundred taels.

(Ex. Jour., vol. 16, p. 111.)

December 17, 1867.

[Executive F.]

Mr. Sumner made the following report:

The Committee on Foreign Relations, to whom was referred the convention for commercial reciprocity between the United States and His Majesty the King of the Hawaiian Islands, concluded at the city of San Francisco the 21st of May, 1867, beg leave to report the accompanying papers and to recommend that they be printed in confidence for the use of the Senate:

DEPARTMENT OF STATE,
Washington, December 11, 1867.

SIR: In compliance with that part of the request contained in your note of the 7th instant, asking for copies of papers having reference to the reciprocity treaty

lately negotiated between the Governments of the United States and the Hawaiian Islands, I have the honor to transmit to you the documents described in the inclosed list.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. CHARLES SUMNER,

Chairman of the Committee on Foreign Relations, Senate.

[List of documents remitted to the Hon. Charles Sumner, chairman of the Senate Committee on Foreign Relations, on the 12th of December, 1867.]

Dispatch, No. 16, of James McBride, United States minister resident at Honolulu, to Secretary of State, December 10, 1863.

Reply of Secretary of State to above, February 8, 1864.

Secretary of State to Secretary of the Treasury, January 17, 1867.

Secretary of the Treasury to Secretary of State, January 26, 1867.

Secretary of State to Edward M. McCook, esq., United States minister resident at Honolulu, February 1, 1867.

Mr. McCook to Secretary of State, May 29, 1867.

Mr. McCook to Secretary of State, June, 1867.

No. 16.]

UNITED STATES LEGATION,
Honolulu, December 10, 1863.

SIR: Doubtless you will remember that a proposal from the Hawaiian Government was made to the Government of the United States for a reciprocity treaty March 1, 1852, which was finally rejected by the United States.

The conditions were that "all flour, fish, coal, lumber, staves, and headings, the produce or manufacture of the United States, shall be admitted free of all duty, provided the Government of the United States will admit the sugar, sirup of sugar, molasses, and coffee, the produce of the Hawaiian Islands, into all the ports of the United States on the same terms." Believing, as I do, that a reciprocity treaty, embracing the articles above specified, would be more or less beneficial to most if not all the States, and particularly beneficial to the States and Territories on the Pacific slope and injurious to none, I avail myself of this opportunity to urge upon the Government the very great importance and propriety of now accepting the proposal made by the Hawaiian Government in 1852.

1. It would enable many to purchase their groceries, or a part of them, with the growth, manufactures, or produce of their own States--the proceeds of their own labor--by an exchange of products, without paying the cash to be transported to another country.

2. It would stimulate commerce between the two countries, and give a more vigorous impulse to the production and manufacture of all the articles specified as articles of exchange free of duty. Whatever stimulates industry and enterprise, though in but a limited degree, should not be overlooked by American statesmen.

Such a treaty would be singularly beneficial to the States and Territories bordering on the Pacific Ocean. It should be remembered that those States and Territories have a superabundance of the finest and most useful timber in the world, which, without some additional advantages held out, will in the nature of things remain useless to the country of their growth and to the world; whereas it is there ready for the axman's labor, an inexhaustible source of wealth if a sufficient market can be found for it.

In connection with these facts it should be remembered that this group of islands is comparatively destitute of useful timber, while the calmest and safest ocean for navigation on the face of the globe lies between these two countries, inviting a fair and free exchange of products, as though nature herself, with a logic not to be misunderstood, suggested the propriety of the most amicable relations by reciprocal favors and obligations.

In my opinion, it would give a fresh or vigorous impetus to industry and improvements in both countries, and would furnish useful and honorable employment for hundreds in the Pacific States who otherwise would be comparatively idle.

It would also furnish additional motives to the inhabitants of these islands to be more energetic in raising and preparing produce for market, building houses,

etc., and in developing the resources of this group, which, so far from being injurious to our people, would be a profit in the exact ratio of the increased amount of products and improvements.

As the United States commerce is now the principal commerce here, with additional incentives it would absorb the entire commercial wealth of these islands. There is a great want of lumber for building houses, for sugar barrels, for sirup and molasses casks, and for every other use to which sawn and split timber is usually applied, and, I may add, hoop poles also.

Such a treaty would place these islands, in their social and commercial relations with the United States, very much in the attitude of a State in the Union, which, I presume, would not be considered, in any sense of the word, injurious to us.

This treaty, if perfected, would not only give us the general commerce and trade of these islands but would have a tendency to secure the friendship of this Government and people, and by that means thwart an inimical influence forever at work here against the Government and people of the United States, and perchance crush it out silently.

Additional reasons which might be adduced may be found in the very significant fact that all the important sugar plantations on this entire group, with but two exceptions, belong to citizens of the United States; and hence, so far as it might favor the people of these islands, the chief benefit would fall to the share of American citizens owning said plantations. Permit me further to say, as justice to the subject demands it, that the nonacceptance of the proposal for a reciprocity treaty, made by this Government to the United States in 1852, was employed by a certain nationality as a means of alienation, and not without effect,

or at least this is my undoubted belief, and it is the undivided opinion of every intelligent American here. If we could suppose (as I do not suppose) that no benefit to any portion of American citizens would be derived from the proposed treaty as its immediate fruits, yet it would evidently accomplish much for the future, by reviving that friendly feeling and reciprocal kindness which in former years bound this people to Americans, and caused them with filial trust to look to the United States Government as their dearest friend and surest protector, and would be an incentive to Americans to settle and reside here, that they might engage in all the various pursuits and avocations to which these islands are adapted, and in the course of time become a controlling element in the society of these luxuriant and balmy islands, which should never be lost sight of by American statesmen—not with the view of changing the form of government, but to maintain it in its integrity and efficiency, and thereby ward off an influence prejudicial to both the honor and the interests of American citizens, and in the end reap a full reward.

If this dispatch presents some peculiar features, as I am aware it does, it is not my fault; the circumstances out of which it grew were very peculiar, and this is my apology.

I have the honor to be, sir, your obedient servant,

JAMES MCBRIDE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

No. 14.]

DEPARTMENT OF STATE,
Washington, February 8, 1864.

SIR: I have a given careful perusal of your very interesting dispatch, No. 16, upon the subject of reviving negotiations with the Hawaiian Government in reference to a reciprocity treaty.

The peculiar circumstances in which this country finds itself at this time render it inexpedient to adopt a policy of such moment without a mature consideration of all the interests involved in the proposed negotiation. Without, therefore, expressing any definite views in relation to it, I have only now to assure you that the subject will receive earnest consideration.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES MCBRIDE, Esq., etc.

DEPARTMENT OF STATE,
Washington, January 17, 1867.

SIR: I inclose a copy of a reciprocity treaty between the United States and the Hawaiian Islands, which was signed here on the 25th of July, 1855, and subse-

quently laid before the Senate for consideration. That body did not then approve it, mostly, as is understood, from an apprehension on the part of the Senators from Louisiana that the sugar from those islands would interfere with the demand for sugar, the production of that State. This must have been an unfounded apprehension, for, even though duty free, probably little or no Louisiana sugar went to our possessions on the Pacific, and the Sandwich Islands are too remote from our Atlantic States for the sugar to enter into competition with that of Louisiana. Under these circumstances and an important political consideration are believed to make it desirable that the instrument referred to should be renewed. Your views upon the subject are requested.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. HUGH McCULLOCH,

Secretary of the Treasury.

TREATY BETWEEN THE UNITED STATES AND HIS MAJESTY THE KING OF THE HAWAIIAN ISLANDS.

The United States of America and His Majesty the King of the Hawaiian Islands, equally animated by the desire to strengthen and perpetuate the friendly relations which have heretofore uniformly existed between them, and to consolidate their commercial intercourse, have resolved to enter into a convention for commercial reciprocity. For this purpose the President of the United States of America has conferred full powers on William L. Marcy, Secretary of State, and His Majesty the King of the Hawaiian Islands has conferred like powers on the Honorable William Little Lee, chancellor and chief justice of the supreme court of those islands, a member of His Hawaiian Majesty's privy council of state and cabinet, president of the board of land commissioners, and His Majesty's envoy extraordinary and minister plenipotentiary to the United States of America.

And the said plenipotentiaries, after having exchanged their full powers, which were found to be in due form, have agreed to the following articles:

ARTICLE I.

For and in consideration of the rights and privileges granted by His Majesty the King of the Hawaiian Islands in the next succeeding article of this convention, and as an equivalent therefor, the United States of America hereby agree to admit all the articles named in the following schedule, the same being the growth or produce of the Hawaiian Islands, into all the ports of the United States of America free of duty:

Schedule.

Muscovado, brown, clayed, and all other unrefined sugars.
Syrups of sugar; molasses.
Coffee; arrow-root.
Live stock and animals of all kinds.
Cotton, unmanufactured.
Seeds, and vegetables not preserved.
Undried fruits not preserved.
Poultry; eggs.
Plants, shrubs, and trees.
Pelts; wool, unmanufactured.
Rags.
Hides, furs, skins, undressed.
Butter; tallow.

ARTICLE II.

For and in consideration of the rights and privileges granted by the United States of America in the preceding article of this convention, and as an equivalent therefor, his Majesty the King of the Hawaiian Islands hereby agrees to admit all the articles named in the following schedule, the same being the growth or produce

of the United States of America, into all the ports of the Hawaiian Islands free of duty:

Schedule.

Flour of wheat.
 Fish of all kinds.
 Coal.
 Timber and lumber of all kinds, round, hewed, and sawed, unmanufactured, in whole or in part.
 Staves and heading.
 Cotton, unmanufactured.
 Seeds, and vegetables not preserved.
 Undried fruits not preserved.
 Poultry; eggs.
 Plants, shrubs, and trees.
 Pelts; wool, unmanufactured.
 Rags.
 Hides, furs, skins, undressed.
 Butter; tallow.

ARTICLE III.

The evidence that articles proposed to be admitted into the ports of the United States of America, or the ports of the Hawaiian Islands, free of duty, under the first and second articles of this convention, are the growth or produce of the United States of America, or of the Hawaiian Islands, shall be a certificate to that effect from the American or Hawaiian consul or consular agent of the port from which such articles are exported; or, in case there shall be no such consul or consular agent resident in such port, a certificate to that effect from the collector of the port.

ARTICLE IV.

The present convention shall take effect as soon as the law required to carry it into operation shall have been passed by the Congress of the United States of America, and the convention shall have been approved by his Majesty the King of the Hawaiian Islands in council. The convention shall remain in force for seven years from the date at which it may go into operation, and further, until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wish to terminate the same, each of the high contracting parties being at liberty to give such notice to the other at the end of the said term of seven years, or at any time afterwards.

ARTICLE V.

The present convention shall be duly ratified, and the ratifications shall be exchanged at Honolulu within eighteen months from the date hereof, or earlier, if possible.

In faith whereof the respective plenipotentiaries have signed this convention, and have hereunto affixed their seals.

Done in triplicate, in the English language, in the city of Washington, this twentieth day of July, anno Domini one thousand eight hundred and fifty-five.

W. L. MARCY. [SEAL.]
 W. L. LEE. [SEAL.]

TREASURY DEPARTMENT,
 January 26, 1867.

SIR: I have the honor to acknowledge receipt of your communication of 17th instant inclosing the printed form of a proposed treaty of reciprocal commerce between the United States and His Majesty the King of the Hawaiian Islands, concerning the provisions of which you desired an expression of my views.

By the terms of the treaty it is proposed that certain specified articles of the produce of the United States and of that of the Hawaiian Islands shall be admitted

into the respective countries free of duty. On reference to the statistics of the commerce between the two countries it appears that the value of the imports into the United States from the Sandwich Islands during the past seven years has been as follows:

Fiscal years.	Atlantic ports.		Pacific ports.		Total Atlantic ports.	Total Pacific ports.	Total.
	American vessels.	Foreign vessels.	American vessels.	Foreign vessels.			
1860.....	\$112,414	-----	\$220,804	\$34,641	\$112,414	\$255,445	\$367,859
1861.....	110,400	-----	248,211	12,104	110,400	260,305	371,805
1862.....	10,562	-----	551,707	10,201	10,562	573,008	584,470
1863.....	250,250	-----	378,313	-----	250,250	378,303	628,552
1864.....	174,178	\$710,473	472,006	-----	920,651	472,606	1,393,257
1865.....	58,543	307,237	1,283,184	40,728	365,830	1,323,912	1,689,742
1866.....	48,208	195,175	1,108,395	147,267	243,443	1,345,662	1,589,105

The value of the exports from the United States to the Hawaiian Islands has been as follows:

Value of exports of domestic produce from the United States to the Sandwich Islands.

Fiscal years.*	Atlantic ports.		Pacific ports.		Total Atlantic ports.	Total Pacific ports.	Total.
	American vessels.	Foreign vessels.	American vessels.	Foreign vessels.			
1860.....	\$300,648	-----	\$293,775	\$37,006	\$300,648	\$330,841	\$637,489
1861.....	201,970	\$23,208	262,960	3,103	225,268	266,803	492,161
1862.....	101,535	363,640	574,880	152,924	405,175	727,810	1,222,985
1863.....	88,755	125,918	530,978	11,610	214,973	551,588	766,261
1866.....	151,831	93,762	752,910	53,136	245,593	806,046	1,051,639

* Years 1861 and 1862 the books were mislaid and could not be found.

Value of exports of foreign merchandise from the United States to the Sandwich Islands.

Fiscal years.	Atlantic ports.		Pacific ports.		Total Atlantic ports.	Total Pacific ports.	Total.
	American vessels.	Foreign vessels.	American vessels.	Foreign vessels.			
1860.....	-----	-----	-----	\$8,342	-----	\$8,342	\$8,342
1861.....	\$43,330	-----	\$47,872	-----	\$43,330	47,872	91,211
1862.....	10,845	-----	44,789	-----	10,845	44,789	55,634
1863.....	20,076	\$1,850	37,241	-----	24,535	37,241	61,776
1864.....	2,857	6,610	40,060	-----	9,497	46,060	55,557
1865.....	4,893	5,808	30,348	1,955	10,764	41,303	52,067
1866.....	4,437	4,408	144,349	11,672	8,845	156,021	164,866

Total exports value.

1860.....	\$645,831	1864.....	\$1,278,542
1861.....	-----	1865.....	818,328
1862.....	-----	1866.....	1,216,505
1863.....	555,937		

Of the imports the principal articles imported into the Atlantic States appear to have been the products of the whale fisheries, and of those imported into the Pacific States the principal articles appear to have been unrefined sugar and molasses. Of these latter articles there was imported the following amounts:

Statement exhibiting quantity and value of unrefined sugar, sirup, and molasses imported into the United States from the Hawaiian Islands, from 1860 to 1866, inclusive.

Years.	All not above No. 12.		Above No. 12 and not above No. 15.		Above No. 15 and not above No. 20.		Sirup or molasses.		Molasses from sugar cane.		Total.
	Pounds.		Pounds.		Pounds.		Gallons.		Gallons.		
1860...	1,452,007	\$82,574	-----	-----	-----	-----	-----	-----	110,412	\$20,638	\$103,212
1861...	999,958	58,460	-----	-----	-----	-----	-----	-----	55,722	11,068	69,534
1862...	965,068	61,809	100,453	\$0,769	-----	-----	-----	-----	10,010	3,639	72,217
1863...	772,063	40,761	1,310,111	97,016	-----	-----	-----	-----	54,363	11,929	150,306
1864...	1,506,150	96,448	2,879,189	188,919	-----	-----	-----	-----	80,660	24,872	310,239
1865...	7,355,928	427,872	9,658,827	645,397	15,661	\$1,421	9,712	\$189	504,360	81,403	1,156,282
1866...	7,022,581	410,756	8,943,005	614,168	-----	-----	96,363	3,882	572,439	95,507	1,124,373

The principal imports for the past year were as follows:

Statement exhibiting the value of foreign merchandise imported into the United States from the Hawaiian Islands during the year ending June 30, 1866.

Imports free of duty	\$239,588	
Imports paying duty	1,349,517	
		\$1,589,105
Value of imports to Atlantic ports	243,443	
Value of imports to Pacific ports	1,345,662	
		1,589,105

Partial statement exhibiting the value of the principal articles imported from the Hawaiian Islands to the United States for the year.

Coffee	\$47,807	Spirits, distilled	\$26,229
Fruits	13,532	Sugar	1,024,924
Furs	1,478	Sirup from cane	3,882
Hides	33,628	Molasses	95,507
Iron (bar)	3,930	Tin in pigs and bars	1,335
Other metals	2,415	Vegetables, crude	2,312
Mosses, etc., used for mattresses	17,599	Wool	2,325
Nuts	1,757	Blankets, wholly or in part of wool	2,182
Oils	153,750	Tallow	7,271
Other products of fisheries, including whalebone	116,780	All other articles	15,698
Potatoes	1,172		
Rice	12,532		1,589,105

The aggregate declared value of all the imports of unrefined sugar, sirup, and molasses into the United States during the past seven years was about \$220,000,000. The aggregate declared value of the imports of the same articles from the Hawaiian Islands during the same period was nearly \$3,000,000, a little more than 1 per cent of the total imports of the same articles into the United States.

Were this amount not so comparatively insignificant as it is, or were unrefined sugar, sirup, and molasses the important articles of the product of the United States, which they once were, I could not see what advantages would be likely to accrue to the United States from this treaty, worded as it is, for it fails to provide for the free admission into the Hawaiian Islands of the very articles which form now, and for several years past have formed, the burden of our exports thither: For instance, cotton manufactures, clothing, boots and shoes, fancy goods, furniture, hardware, saddlery, provisions, drugs and medicines, and machinery. Of all the principal articles of the product of the United States which are annually exported to the Hawaiian Islands, fish, breadstuffs, other farm products, lumber, and mineral products only are proposed to be admitted free by the terms of this treaty. Accordingly, unless the first-named series of articles are already admitted into the Hawaiian Islands free of duty, which, if it be the case, the Secretary is not aware, the provisions of the treaty appear to be rather one-sided. The following table exhibits the details of the past year's export transactions, the articles marked

with the "F" being the only ones that are proposed to be admitted into the Hawaiian Islands free of duty:

Table exhibiting the principal articles of the domestic exports of the United States to the Hawaiian Islands during the fiscal year ending June 30, 1866.

Agricultural implements	\$10,394
Horses	21,537
Bread and breadstuffs, "F"	81,035
Bricks, lime, and cement	12,374
Cotton manufactures	45,072
Drugs and medicines	11,747
Bullion	24,000
Gold and silver coin	62,435
Cordage	21,948
Boots and shoes	22,042
Hardware	115,654
Saddlery and harness	17,232
Lumber, furniture, and wood en wares	263,490
Petroleum	13,170
Paper and stationery	12,044
Beef, pork hams, bacon, preserved meats	22,545
Dried and pickled fish and oysters, "F"	17,457
Manufactured tobacco	19,635
Wearing apparel and unspecified manufactures of wool	48,000
Other articles amounting in value to less than \$10,000 each, and all articles not enumerated	209,228
	<hr/> 1,051,639

But the political considerations adverted to in your communication appear to me to be of such importance as to entirely overshadow the comparatively trifling interests involved in the commerce of these islands, and which, though almost exclusively with the United States, amounts altogether in value to a little over a million of dollars each way per year. These islands are essentially American—their political institutions, their polity, their foreign intercourse, almost wholly American. The native population is fast disappearing, and citizens of the United States own and work the only profitable industries they boast, while the day is not far distant when these islands may be imperatively needed as a rendezvous for our Pacific navy, and for our future fleet of Indiamen, who, with the Pacific railroad, are destined to divert the commerce of Asia into a new direction.

For this reason I am inclined to regard the treaty with favor, although I would prefer that its enumeration of articles to be admitted free were somewhat different. The offer of fair equivalent in trade should surely form the groundwork of all treaties of this character; and since sugar constitutes the main exports of the Hawaiian Islands to the United States, it would seem but proper that whatever articles form the main exports of the United States to the Hawaiian Islands should be admitted free of duty with the latter country. That this was the intention of the original negotiators of this treaty is evident from the fact that the articles proposed to be admitted free of duty into the Hawaiian Islands were those which then formed the staple exports of our Pacific possessions. But the nature of the trade has changed since then, and so, I think, should be the terms of this treaty.

I remain, sir, very respectfully, your obedient servant.

H. McCULLOCH,
Secretary of the Treasury.

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States.

No. 19.]

DEPARTMENT OF STATE,
Washington, February 1, 1867.

SIR: I inclose a copy of a correspondence between this Department and that of the Treasury on the subject of the revival of the reciprocity treaty between the United States and the Sandwich Islands, of 1855. That treaty was concluded soon after the one of a similar character between us and Great Britain, and seems to have been suggested by it. You will notice that the Secretary of the Treasury is of the opinion that under existing circumstances we would be justified in

expecting from the Hawaiian Government a more liberal measure of equivalents than was offered on the former occasion. You will consequently make an effort to obtain them. I will not prescribe what may be regarded as indispensable in that respect.

This may be better determined at Honolulu after a survey of the whole ground, and conferences or correspondence with the Hawaiian minister for foreign affairs.

You will, of course, endeavor to obtain the best terms you can. It will be desirable, however, that no treaty should be signed which is not likely to be approved by the Senate, or even by Congress, which must pass an act for the purpose of carrying it into effect.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

EDWARD M. MCCOOK, Esq., etc.

No. 21.]

SAN FRANCISCO, May 29, 1867.

SIR: I have the honor to forward you to-day, by Wells, Fargo & Co.'s Express, one copy of the treaty of reciprocity concluded with the Hawaiian Government, and signed by Mr. Harris and myself last night, although dated the 21st. I regret very much that I can not forward with the treaty a complete analysis of it, together with such statistics as may be valuable to the Department hereafter; but I am compelled to defer this until my next dispatch, when I hope to place in your possession all the information either the Executive or Congress could desire on the subject. I will now content myself with calling your attention to the fact that nearly every article designated in your instructions to me has been placed on the schedule of goods admitted free of duty into the ports of the Hawaiian Kingdom.

Two items in the treaty probably demand a word of explanation now: First, that relating to the admission of sugars into our ports. My reason for insisting that no sugar "above No. 12 Dutch standard in color" should be admitted free was, that sugars much above this grade come in direct competition with the coffee sugars produced by the American refineries; and I saw no reason why the pecuniary interests of the large sugar manufacturers both on the Pacific and Atlantic coasts should be sacrificed to subserve the interests of the planters of the Sandwich Islands. As the treaty now stands, both interests are benefited, and both parties should be satisfied; though, had I been compelled to it, I would have yielded a still higher grade, say to "No. 15 Dutch standard," rather than not have concluded the negotiation, and would do so yet should the King of the islands refuse to approve the treaty on that account. I will write again of this more fully.

Cotton manufactures "not exceeding 160 threads to the square inch, counting the warp and filling," is one of the principal articles admitted free into the Hawaiian ports. My reasons for assenting to this limitation, instead of making all cotton goods free, were, that I considered it of no special importance, because no American manufacturers make cotton goods, such as are used in the island trade, as fine as 160 threads to the inch; and I have a pledge that the duties on all cotton goods shall be advanced 25 per cent; and consequently our coarse American goods will again take the place in the Hawaiian market they held before the war. I will advert to this also more fully in my next dispatch.

I hope you will be fully satisfied with the result of the negotiations intrusted to me. I have carefully considered all probable objections which might be made to the details of the treaty, and endeavored to construct it in such a manner as to obviate them; and I think the treaty as nearly a reciprocal one as could well be made, for although the amount of revenue yielded up by the United States is much the larger, the total value of the articles indicated in the respective schedule to be admitted free into the ports of each country is about the same in gross, the difference in revenue being caused by the United States tariff being so much higher than the Hawaiian.

I think that the consummation of this treaty will largely benefit the commercial and manufacturing interests of this coast and of the country, and prove the initial step toward the acquisition of the islands should this country ever want them.

I have deemed it necessary to inclose this dispatch with the treaty as a partial explanation of some of its provisions. I will forward an analysis and all statistics at my command by the next steamer, together with notes of conversations between Mr. Harris and myself during the negotiation.

No publicity has been given to the matter, nor will there be unless divulged by members of the Hawaiian Government.

* * * * *

I have the honor to be, your very obedient servant,

EDWARD M. MCCOOK.

Hon. WILLIAM H. SEWARD.

Secretary of State, Washington, D. C.

SAN FRANCISCO, *June, 1867.*

SIR: In my dispatch No. 24 I had the honor to call your attention to some of the provisions of the treaty of reciprocity between the United States and the Hawaiian Islands, signed by Mr. Harris and myself, and submitted with that dispatch for the approval of the President.

I now have the honor to present some statistics which I hope you may find useful in the consideration of that treaty, and which may enable the Department of State to furnish the Senate with such information as will possibly lead to a favorable consideration of the treaty when it comes before that body for ratification.

The official statistics at my command are imperfect; and, owing to the different manner of classifying goods in the custom-house of the United States and the Hawaiian Islands, I have found it extremely difficult to prepare an analysis of the treaty which will be at all satisfactory. However, those statistics I do transmit have been carefully prepared in the hope that they may enable you to form a correct idea of the pecuniary results involved in the consummation of the treaty. The political advantages you are much better able to predict than myself. I attach two tabular statements to this dispatch; No. 1, showing the comparative value between goods proposed to be admitted by the treaty of 1855 and that of 1867; No. 2 shows the value of goods exported from the United States into the Hawaiian Islands during the year 1866, including only such articles as are proposed to be admitted into the Hawaiian Islands free of duty by the treaty just signed, and also showing the amount of goods imported from all countries into the Hawaiian Islands during the year 1866. You will see by these figures that the concessions granted the United States in this treaty are much larger, both in value and growing importance, than those granted in 1855.

I desire, however, to especially call your attention to the fact that the sum total of articles proposed to be admitted duty free from the Hawaiian Kingdom into the United States, taking last year's statistics as the basis, will amount to \$629,385, while the amount of exports from the United States proposed to be admitted into the Hawaiian Kingdom free of duty is \$813,747, making the reciprocity, so far as the gross value of products is involved, nearly equal, the balance being in favor of the United States; but owing to the fact that the rate of import duties levied by the United States is much larger than the rates levied by the Hawaiian Government, the sum of the revenue remitted by the United States will be the greater. In proportion to the revenues of the two countries the Hawaiian Government has yielded more than ours, but I felt it to be my duty to demand all that I thought would be conceded, and I think the treaty as it now stands will be equally beneficial to the consumers and the manufacturers of the Pacific States and the producers of the Hawaiian Islands. I inclose a memorandum, kept by Mr. Harris, of the more important conversations between Mr. Harris and myself during our conferences. It was not deemed necessary to preserve them in the shape of formal protocols, but we intended that they should assist in explaining to our respective Governments some of the reasons which influenced our action.

I call your attention to paragraphs marked A B C of this memorandum. I stated in my former dispatch that any sugar above No. 12 Dutch standard in color comes in competition with the sugar manufactures here, although I would have assented to the admission of a higher grade rather than not conclude the treaty. One very important argument in favor of the admission of these island sugars free is the fact that they are the best source of supply to the Pacific States, and it costs consumers here, on account of freights, charges, interest, etc., about 2½ cents per pound more for Louisiana or West India sugars than the consumers in the Atlantic or Western States pay.

You will see how this difference arises by the following statement, prepared by one of the first merchants of this city. He takes the cost of 120,000 pounds of sugar purchased in New York and landed here:

120,000 pounds, at 12 cents currency (at \$1.40 gold)	\$14,400.00
Shipping charges and coo perage	120.00
Insurance on \$1,600, at 3 per cent	480.00
	<hr/>
	15,000.00
New York commission, 2½ per cent.	875.00
	<hr/>
	15,875.00

To cover this by a sight coin draft, and the rate of gold \$1.40, gold...	\$10,982.15
Premium on amounts, coin drafts, 2 per cent.....	219.64
Interests, 4½ months' voyage, 1 month storage, 2 months' credit, 1 month remitting, say 8½ months' credit in New York, 4½ months at 1 per cent premium on \$11,201.81, 4½.....	504.08
Freight on 120,000 pounds (3,500 cubic feet), at 30 per pound..	\$1,050.00
Primage, 5 per cent.....	52.50
At 73 cents gold for currency.....	1,102.50=
Landing charges and 1 month's storage.....	804.83
Two months, one-sixth policy.....	125.00
	24.80
Gold.....	12,660.00
Loss in weight by natural drainage=to 6 per cent.	
Weight delivered, 112,800 pounds, or 1 pound=11.22 (gold \$1.40), 15.71 currency.	
No allowance for sea damage.	

VENTURE OF A NEW YORK MERCHANT.

120,000 pounds sugar, at 12 cents (\$1.40 gold).....	\$14,400.00
Shipping charges and cooperage.....	120.00
Insurance on above, at 3 per cent.....	480.00
	15,000.00
Covered by remittance in gold sight drafts:	
Gold sold in New York, at \$1.40.....	\$10,714.26
Commission, at 2 per cent.....	214.29
Interest at 4½ months, at 6 per cent per annum, on \$10,928.....	273.20
Freights, etc.....	804.23
Landing charges and 1 month's storage.....	125.00
Fire insurance.....	23.02
	12,154.00
San Francisco commission and counter.....	639.70
	12,793.70

One hundred and twelve thousand eight hundred pounds delivered at San Francisco. One pound=11½ in gold, or 15½ in currency.

B. No American cottons are brought to the San Francisco market or used in the islands as fine as 160 threads to the square inch. A. & W. Sprague's prints are the finest, and they average only 140 threads to the square inch; consequently, this standard being fixed, and Hawaiian duties increased 25 per cent, as they will be if this treaty is ratified, the American manufactures will take their old place in that market.

C. I declined to admit wool on account of the late action of Congress imposing an additional duty on all foreign wools. I insisted on and secured the admission of American woolen manufactures, except ready-made clothing: the exception was assented to by me because the manufacture of clothing is almost the only legitimate means of support for a large number of the native women of the islands. I hope the treaty will be approved by you without change, and ratified by the Senate without objection. It is certainly more fair in its reciprocity than was our Canadian treaty, and its ratification will result in securing to us the entire political and commercial control of these islands, which are far richer in agricultural resources than Cuba or any other of the West India islands.

When the Pacific railroad is completed, and the commerce of Asia directed to our Pacific ports, then these islands will be needed as a rendezvous for our Pacific navy, and a resort for merchant ships, and this treaty will have prepared the way for their quiet absorption.

I have the honor to be, your very obedient servant,

EDWARD M. MCCOOK.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

No. 1.—*Tabular statement.*

[Treaty of 1855.—Schedule in article 1.]

Sugar, unrefined	\$1,024,924	Poultry: Eggs	
Sirup of sugar—molasses	99,449	Plants, shrubs, and trees	
Coffee	47,807	Pelts and wool, unmanufactured	\$2,325
Arrowroot		Rags	
Live stock and animals of all kinds		Hides, furs, and skins, undressed	33,628
Cotton, unmanufactured		Butter and tallow	7,271
Seeds and vegetables (not preserved)	2,312		
Undried fruits (not preserved)	13,352		1,231,068

[Treaty of 1867.—Schedule in article 1.]

Animals		Sandal koa and kowood	
Arrowroot		Seeds, plants, shrubs, and trees	
Coffee	\$47,807	Sugar, not above No. 12 (Dutch standard)	\$410,756
Cotton, unmanufactured		Sirups of sugar and molasses	99,449
Fruits and vegetables	15,664	Tallow	7,271
Furs, hides, and skins, undressed	35,106		
Rice	13,332		293,856

{No. 2.—*Tabular statement.*

Articles.	Value of articles exported from the United States, as shown by United States custom-house statistics, 1886.	Value of articles imported into the Hawaiian Islands from all countries, as shown by the Hawaiian custom-house statistics.	In bond.
		<i>Paying duty.</i>	
Agricultural implements	\$10,394		
Animals	21,537	\$1,840	
Beef, bacon, pork, ham, and preserved meats	22,545	59,858	\$59,680
Boots and shoes	22,642	2157,825	9,670
Bread and breadstuffs	81,035	36,503	19,343
Brick, lime, and cement	12,374	18,489	
Bullion	24,000		
Cordage and naval stores	21,948	28,740	72,224
Copper and composition sheathing, nails and bolts	\$10,000		
Cotton, manufactured	45,072	235,050	2,111
Fish and oysters	17,457	24,874	4,734
Fruits and vegetables	10,000	2,324	1,113
Gold and silver coin	62,435		
Hardware	115,654	123,214	1,604
Hides, furs, skins, and felts, undressed			
Hoop iron and rivets (includes steel)		32,301	5,646
Ice			
Iron and steel			
Leather and tallow			
Lumber and timber of all kinds (includes staves, heading, etc.)	263,400	102,565	
Machinery		32,116	7,405
Oats and hay			
Paper, stationery, and books	12,044	23,583	453
Petroleum and other oils	13,170	13,444	182,954
Plants, shrubs, and trees			
Refined sugar		1,700	
Rice			
Staves and heading		71,221	24,910
Woolen manufactures	48,000		
Total	813,797	965,707	391,827

¹ Whalers' supplies are often here (see years in bond).² Includes hats, woolen manufactures, and clothing.³ Brought in American whalers.

MEMORANDUM.

MAY 7.

Met Mr. Harris at the Lick House for the purpose of exchanging credentials. After the exchange my attention was called by him to the Hawaiian tariff and article 5 of the Hawaiian civil code.

MAY 8.

Mr. Harris furnished me with a copy of the French treaty with the Hawaiian Government and protocols. I proposed to furnish Mr. Harris at the next meeting a list of articles which I desired should be admitted into the ports of the Hawaiian Kingdom free of duty, and requested Mr. Harris to furnish me with a list of those articles which he desired admitted into the ports of the United States free of duty.

MAY 9.

Handed to Mr. Harris the following schedule of the articles which I desired admitted into the Hawaiian Islands free of duty under the provisions of reciprocity treaty:

Agricultural implements; animals; bread and breadstuffs; building materials, lime and cement; cotton manufactures (under 160); drugs and medicines; bullion, gold, and gold coin, etc.; cordage and naval stores; copper and composition sheathing and nails; boots and shoes; fancy apparel and all kinds of unspecified woollen manufactures; saddlery, harness, and carriages; lumber of all kinds, round, hewed, and sawed; staves and heading; hoop iron and iron and steel; wooden wares; petroleum and all other oils for illuminating and lubricating; paper, stationery, and books; beef, pork, ham and bacon, and preserved meats; dried and pickled fish; oysters; manufactured tobacco; potatoes, oats and hay, and vegetables; American wines; machinery, hardware, hides, furs, and skins; leather and tallow; refined sugar, ice, plants, shrubs, etc.; furniture.

Then Mr. Harris furnished me with the following list of articles which he wished admitted free of duty into the ports of the United States:

Sugar, unrefined; sirups of sugar and molasses; coffee and arrowroot; cotton, unmanufactured; live stock, animals and poultry; seeds, vegetables, fruits, preserved and unpreserved, the same being the product of Hawaii; plants, shrubs, and trees; pelts and wool, unmanufactured; hides, furs, and skins, undressed; tallow and rice.

It was agreed to commence first with the articles admitted into the United States from Hawaii.

Sugar.—Mr. Harris said that of course this was the chief matter of solicitude to his Government, and proposed that all classes of sugar should be admitted free, excepting refined and clayed sugars.

General McCook said that there was a large amount of money invested in the Pacific States in sugar refineries, and that it was the policy of his Government to foster that as well as all other industries: that in the manufacture of refined sugar it was necessary to make a grade of sugar equivalent to No. 1 Hawaiian, and that the contest between the planters and the refiners had already resulted disastrously to both parties; and if the entire duty were taken off all foreign sugars it would prove most disastrous to the refiner, who was himself subject to the tax imposed by the internal-revenue laws. Mr. Harris said that he would qualify his proposition so far as that Hawaiian sugar would pay a duty equal to the internal-revenue tax. After other discussion the whole subject was postponed until the next meeting.

MAY 11.

Discussion as to the admission of sugars resumed. Mr. McC. said that he had considered Mr. Harris's proposition made at the last conference, and he believed that if No. 1 Hawaiian sugars should be introduced into the United States free of duty, even though paying an amount equal to the revenue tax, it would be giving another cent per pound advantage to the Hawaiian planter and totally bankrupt the American refiner. He would submit the following propositions: To admit all classes of sugar not above No. 12, Dutch standard, in color, such sugars to be subject only to a duty equal in amount to the internal-revenue tax levied upon persons producing the same grade of sugar within the boundaries of the United States.

Mr. Harris thought that if this grade was admitted, and this alone, the United States might admit it free, without regard to the internal-revenue tax, since in point of fact it would come in conflict with no manufacturing interest of the United States, and certainly further foster the refining interest here. Mr. Harris adverted to the fact that inasmuch as no sugar such as that under consideration is produced in the United States, or will be for a long period of years, it would be possible for Congress to practically annul the treaty by increasing the internal-

revenue tax on an article really not produced within the territory of the United States.

Mr. McCook said that while admitting that such a thing was possible, inasmuch as it required the action of both houses of Congress and the approval of the Executive to give effect to this treaty, should it once be ratified, there would be no probability of a future Congress acting in bad faith; and, in addition, it had always been the policy of the United States Government to reduce taxation to the lowest possible limit, instead of increasing it. A step in this direction was made by the act approved March 2, 1867, amending the existing laws of the internal revenue, and which, among other things, reduces the tax on all sugars produced in the United States, and entirely abolishes it on molasses, melado, etc.

Mr. Harris said the reciprocity will fail in this respect, for the Hawaiian Government has no excise duties, and it might even happen that they would increase the duties on those articles which are to be exempt from duty when imported from the United States. Mr. McCook proposed to suspend the consideration of this item for the present, and said he would take all that had been said into consideration.

Coffee admitted.—The product being small and not coming in competition with any industry of the United States.

Cotton, unmanufactured.—Mr. Harris remarked that the product was very small, and from the nature of the soil in the kingdom, climate, and winds, must always remain so. He did not, therefore, desire to insist very strongly on this point; but as the revenue derived at present from the articles which he would be called upon to admit free must be made up by increased general taxation, it would be advisable for him to reconcile the small proprietors to increased burdens, lest they might think they were sacrificed to the larger and overshadowing interests.

General McCook thought that it would be the policy of his Government to stimulate the production of this article, and to secure the small crop raised on the islands to the Pacific States, instead of an English market; though capital now being directed to the production of sugar, no amount of encouragement would direct it into other channels; he was therefore disposed to admit it.

Seeds, vegetables, and fruit, the same being the product of either country, admitted interchangeably.

Plants, shrubs, and trees, interchangeably.

Unmanufactured wool.—General McCook said that, in view of the recent act of Congress increasing the import duty on this article, he thought it his duty to decline to admit it.

Felts, hides, skins, and furs, undressed, admitted.—There are no furs produced on the islands; therefore this item is in favor of the United States, because the American whalers collect furs and bring them to the islands, and will by this provision be enabled to land them into the ports of the United States without annoyance.

Arrowroot and tallow admitted; live stock reciprocally admitted.—It was now agreed to take up the articles, being products of the United States, proposed to be admitted into Hawaii free of duty.

Agricultural implements.—General McCook remarked that this was an important item from the United States, and did not interfere with any branch of Hawaiian industry.

Mr. Harris said that he was willing to admit this article; for, in beginning this schedule, begs to say that the revenue of his government is small, and he must always regard the necessity of his government, and that government must live.

General McCook said the question of revenue must be ignored entirely in this negotiation, because the United States is largely the loser in revenues. Reciprocity should only be regarded; and in yielding part of their customs revenues the Government of the United States must ask in return to benefit not only the citizens who consume the productions of the Hawaiian Islands, but also those who manufacture and produce the main articles of export to that kingdom.

Rice admitted.—Mr. Harris said that his instructions were to be very cautious in extending the list agreed upon in the former treaty, and in extending it to adhere as closely as possible to articles of prime necessity. He was willing to pass without debate all articles granted by the former treaty, but that they should bear in mind that they were not getting in all their sugar. The granting of all the articles asked by General McCook would only leave a very small amount of imports to be taxed, and would drive his government to an entire revolution in the manner of levying taxes, and making the Hawaiian custom-house a useless burden, since the amount collected would little more than pay the expenses; and the abandonment of customs would work disastrously for the interests of the United States under the arrangements which we are endeavoring to make. That as he was seeking an advantage in the American market for Hawaiian sugar, he would not hesitate

to surrender the duties on such articles as were employed in the production of sugar; he would give the citizens of the United States the advantage of supplying these articles, and as they seek a market for raw sugars, giving the United States the advantages of refined.

General McCook said he was willing to apply the principle suggested by Mr. Harris with regard to sugars raw and refined to all other products of the respective industries of the two countries. For instance, he is willing to admit raw cotton and give the Hawaiian the advantage of importing American cotton manufacture free; and also admit Hawaiian hides, if they reciprocally admitted our boots, shoes, leather, and woolen manufactures. There would be much greater reciprocity applied to these articles than sugar, because they are all important items of American exports to the islands; whereas but \$10,000 worth of refined sugar has ever been exported to the islands from the United States in one year, which, when compared to the larger amount of raw material imported, makes the idea of reciprocity, as far as this article is concerned, appear ridiculous, unless taken in connection with other advantages the United States may desire from the treaty.

The penitentiaries took up the item of the manufacture of wool. Mr. Harris "objected to its admission in general phrase," saying that very few of those manufactured comes from the United States, and that in the matter of wearing apparel it was a means of raising a revenue and encouraging native industry. General McCook said that he deemed it his duty to insist on the introduction of woolen manufactures free of duty. No matter how insignificant the amount invested might seem the principle remains the same. Wool growing and manufacturing is one of the most important interests of the Western and Northwestern States of the United States; and should their interests be entirely disregarded, even in so small a matter as the item under discussion, the result will probably be to defeat the ratification of the treaty, and he thinks justly. The fact that but few of the woolen manufactures come from the United States is only an additional reason for insisting upon their being included in the treaty, for it will prove the means of introducing that class of manufactures into the islands. He is willing to exclude wearing apparel from the list. After a long discussion General McCook offered to exclude saddlery, harness, and manufactured tobacco, drugs and medicines, and all ready-made clothing, not regarding them as important articles of export from the United States, and he can not, consistently with the idea of his duty he owes his Government, and the interest of its citizens, make any further concessions.

Mr. Harris said that furniture ought not to be included, since in Hawaii it was only used by the comparatively rich, and a fair article of taxation; so, likewise, wines. General McCook assented to the proposition. Mr. Harris said that if duty on woolen manufactures could be left to the Hawaiian Government he would abandon discussion on all the remainder and admit them all free; that, though reluctantly, he would admit even boots, shoes, and cordage, though they constituted a lawful item in Hawaiian income. General McCook offered to strike out animals, but Mr. Harris thought that item barely reciprocal. He said if he could have the saddlery and harness excluded he would be satisfied. General McCook said that as the saddlery and harness used in the islands under the present rate of duties were all American, and as their exemption from duty could only operate in favor of the Hawaiian consumer and not the American manufacturer, he would concede that item on the same ground he had conceded the furniture.

Machinery.—Mr. Harris regards it as one of the most important items, because during the late war of the rebellion English machinery to a great extent supplanted the American on the islands, and he desires that every inducement should be held out to Hawaiian planters to purchase American manufactures.

The admission of American machinery free of duty would probably assure its exclusive use on the islands.

Sugar question resumed: General McCook said he had examined the question carefully, and concluded that there would be no reciprocity in demanding, as at first, that Hawaiian sugars pay a sum as import duty equivalent to the revenue tax fixed by the United States; therefore he would consent to admit all sugars free of duty, under and including No. 12 Dutch standard, and leave the duties on all over that grade as at present.

The consumer in the Pacific States has to pay about 2½ per cent per pound more for sugars raised in the United States than the eastern consumer, and this arrangement will enable the people who comprise the large majority of consumers to procure the ordinary grades of coffee sugar at the eastern figures, while at the same time protecting the interests already involved in the manufacture and refining of sugars.

It was agreed that all sugars not above No. 12 Dutch standard in color should be admitted free of duty, and this cleared the list. General McCook proposed that as the Constitution of the United States was a guarantee against any export being

levied by the Government of the United States upon any of the articles named in the schedule of article 1, it should be agreed that no export or other duty should be levied by His Majesty the King of the Hawaiian Islands upon any of the articles enumerated in the second article of this convention.

Mr. Harris objected, because, though he is not aware of any intention at present to lay an export duty, it would be unwise for him, in view of the fact that a considerable portion of the small revenue of Hawaii is being yielded, to give up a source of taxation which is open by the laws and the constitution—a source which, though there be no intent on to resort to at present, it may be absolutely necessary to resort to to sustain the government. The prohibition of the Constitution to lay an export duty has not been held in the United States to prevent the laying of excise by the internal-revenue laws, and he doubted whether the United States would enter into a treaty which by its provisions prohibited that mode of laying taxation; such an engagement was not entered into in the reciprocity treaty with Canada.

General McCook asked if any export duty had ever been levied heretofore on exports from the Hawaiian Kingdom to the United States.

Mr. Harris said, "No, nor to any other country," as he understands the force of the treaties. Such levy on the exports to our country, when not levied on the exports to others, must be taken as an unfriendly act, unless done as a measure of retaliation.

General McCook said that this having been the policy of the Hawaiian Government heretofore, he would not insist on the additional articles he had proposed, because, if after the ratification of a treaty of reciprocity, the Hawaiian Government should levy an export duty on all or any of the products admitted by the treaty with the ports of the United States free of duty, products of which the people of the United States have been the only consumers, he would regard it as a breach of faith on the part of the Hawaiian Government, which could only be taken as an unfriendly act, and justify the abrogation of the treaty, or such other redress as the Government might see proper to demand.

Mr. Harris said he was obliged to General McCook for having so courteously yielded the point, though he can not conceive that, in the event of its being necessary for his government to levy such a tax, the United States would regard it in the manner indicated.

February 12, 1868.

Mr. Sumner made the following report:

The Committee on Foreign Relations, to whom was referred the convention between the United States and His Majesty the King of Denmark, concluded on the 24th of October, 1867, stipulating for the cession of the islands of St. Thomas and St. John, in the West Indies, to the United States, beg to report the accompanying letter from the Secretary of State and the correspondence therewith, and to recommend that they be printed in confidence for the use of the Senate:

DEPARTMENT OF STATE,
Washington, January 27, 1868.

SIR: In compliance with the request contained in your note of the 7th of December last, I have the honor to transmit a copy of the correspondence upon the subject of the convention with Denmark for the cession of the islands of St. Thomas and St. John. While there is believed to be nothing in these papers derogatory to the interest or the honor of the United States, they occasionally refer to individuals in a way which delicacy may forbid should be made public, at least for the present. It is consequently suggested that if you should move the Senate for the printing of the documents, this should be done for use in executive session only.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

HON. CHARLES SUMNER,
Chairman of the Committee on Foreign Relations, Senate,

[List of papers.]

Mr. Seward to General Raasloff, July 17, 1866.
 Mr. Seward to Mr. Yeaman, No. 18, July 17, 1866.
 Mr. Yeaman to Mr. Seward, No. 52, January 21, 1867.
 Same to same, No. 56, March 13, 1867.
 Mr. Seward to Mr. Yeaman, No. 36, March 28, 1867.
 Mr. Yeaman to Mr. Seward, No. 63 (extract), April 24, 1867.
 Same to same, No. 64, April 27, 1867.
 Same to same, No. 65, April 30, 1867.
 Same to same, No. 66, May 2, 1867.
 Mr. Bithorn to Mr. Seward, May 13, 1867.
 Mr. Yeaman to Mr. Seward, No. 67, May 17, 1867.
 Mr. Seward to Mr. Yeaman, No. 38, May 27, 1867, with an accompaniment.
 Mr. Yeaman to Mr. Seward, No. 73, June 7, 1867, with an accompaniment.
 Same to same, No. 74, June 13, 1867.
 Mr. Philips to Mr. Seward, June 13, 1867, with an accompaniment.
 Mr. Yeaman to Mr. Seward, No. 75, June 17, 1867.
 Same to same, June 17, 1867.
 General Delafield to Mr. Seward, July 9, 1867.
 Mr. Yeaman to Mr. Seward, No. 81, July 12, 1867.
 Same to same, No. 84, July 22, 1867.
 Mr. Seward to Mr. Yeaman, August 7, 1867.
 Mr. Yeaman to Mr. Seward, No. 88, August 8, 1867.
 Same to same, No. 92 (extract), August 17, 1867.
 Same to same, No. 96, August 29, 1867.
 Same to same, No. 97 (extract), September 2, 1867, with an accompaniment.
 Same to same, No. 98, September 5, 1867.
 Same to same, No. 100 (extract), September 7, 1867.
 Mr. Seward to Mr. Yeaman, No. 60, September 23, 1867.
 Mr. Yeaman to Mr. Seward, No. 104 (extract), September 27, 1867.
 Mr. Seward to Mr. Yeaman, No. 61, September 28, 1867.
 Mr. Yeaman to Mr. Seward, No. 106, October 1, 1867, with an accompaniment.
 Same to same, No. 107, October 3, 1867.
 Same to same, No. 108, October 7, 1867.
 Same to same, No. 110, October 15, 1867, with an accompaniment.
 Mr. F. W. Seward to Mr. Yeaman, No. 64, October 3, 1867.
 Mr. Yeaman to Mr. Seward, No. 111 (extract), October 27, 1867.
 Mr. Seward to Mr. Yeaman, No. 66, October 24, 1867.
 Same to same, No. 67, October 25, 1867.
 Mr. Yeaman to Mr. Seward, No. 112, October 25, 1867.
 Mr. Seward to Mr. Hawley, October 26, 1867.
 Mr. Yeaman to Mr. Seward, No. 114, October 29, 1867.
 Mr. Seward to Mr. Yeaman, No. 60, October 30, 1867.
 Same to same, No. 70, October 31, 1867.
 Same to same, No. 71, October 31, 1867.
 Vice-Admiral Porter to Mr. Seward, November 6, 1867.
 Mr. Seward to Mr. Yeaman, No. 72, November 15, 1867.
 Mr. Hawley to Mr. Seward, November 13, 1867.
 Same to same, November 15, 1867.
 Same to same, November 22, 1867.
 Mr. Perkins to Mr. Seward, November 23, 1867.
 Mr. Hawley to Mr. Seward, November 29, 1867.
 Same to same, November 30, 1867.
 Same to same, December 2, 1867.
 Mr. Perkins to Mr. Seward, December 4, 1867, with an accompaniment.
 Governor Birch to Chamberlain Carstensen, December 4, 1867.
 Merchants of St. Thomas to Chamberlain Carstensen.
 Mr. Bithorn to Mr. Seward, December 9, 1867.
 Mr. Trowbridge to Mr. Seward, December 14, 1867, with an accompaniment.
 Mr. Seward to Mr. Hawley, December 16, 1867.
 Mr. Lockwood to Mr. Seward, January 4, 1868.
 Mr. Perkins to Mr. Seward, January 13, 1868.
 Danish map of the Virgin Islands.
 Admiralty map of the Virgin Islands.

Mr. Seward to Mr. Raasloff.

[Confidential.]

DEPARTMENT OF STATE,
Washington, July 17, 1866.

SIR: I have the honor to propose to you that the United States will negotiate with the King of Denmark for the purchase of the Danish islands in the West Indies, namely, St. Thomas and the adjacent islets, Santa Cruz and St. John.

The United States would be willing to pay for the same five millions of dollars in gold, payable in this country. Negotiation to be by treaty, which, you will of course understand, will require the constitutional ratification of the Senate.

Insomuch as you propose to visit Copenhagen, the United States minister at that place will be instructed to converse with you or with your Government on the subject; but should your Government conclude to negotiate, the proceeding will be expected to be conducted here and not elsewhere.

Accept, sir, the renewed assurance of my high consideration.

WILLIAM H. SEWARD.

His Excellency, GENERAL RAASLOFF, etc.

Mr. Seward to Mr. Yeaman.

No. 18.]

DEPARTMENT OF STATE,
Washington, July 17, 1866.

SIR: The accompanying transcript of a confidential communication of this date addressed by me to General Raasloff, his Danish Majesty's minister plenipotentiary accredited to this Government, I send to you, thinking it possible that the Danish Government may wish to confer with you upon the subject to which it relates. Except in this contingency, however, you are instructed not to allude to the matter, which, under all circumstances, is to be kept strictly confidential.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE H. YEAMAN, Esq., etc., Copenhagen.

Mr. Yeaman to Mr. Seward.

No. 52.]

LEGATION OF THE UNITED STATES,
Copenhagen, January 21, 1867.

SIR: Owing to an unusual delay in the mails, caused, it is alleged, by stormy weather on the Belts, it was not until late in the evening of Saturday, the 19th, that I received from Mr. Moran, secretary of legation at London, a note of the 14th, containing a translation of your dispatch in cipher of the 12th. This was the more annoying, as I received on the 18th letters mailed at London on the 15th. The translation inclosed to me by Mr. Moran reads: "Tell Raasloff haste important." I immediately called at General Raasloff's house, but owing to his being out Saturday evening and indisposed the next morning from cold, it was not until 12 o'clock yesterday, the 20th, that I had an interview with him, when I delivered him your message verbatim. He observed he had been extremely engaged about his official duties of late and would be for some time to come, but would give this matter his attention. In reply to my inquiries he observed he thought the matter was making progress, but that Count Frijs, being cautious and a little slow in such things, felt some hesitation about taking the final step. I asked if there were any impediments other than the objections or hesitation felt in the Danish cabinet. He assured me none. He then remarked there was a difficulty at Washington he had thought of, which was: Congress would adjourn before the matter could be brought to a close, and asked about the proposed law convening the next Congress on the 4th of March. I told him I had no advice that it had passed, but even if it did not, yet if this business were sufficiently progressed the President could request the Senate to remain a short time, as had been often done. He replied, "But there would be no House to appropriate the money." I answered I thought there could not possibly be any difficulty about that, as Congress would assuredly not refuse the necessary appropriation to execute the treaty. He still seemed to be under the

impression it would be better if there could be means of closing all matters connected with it immediately after the two Governments had agreed. Of course, all these views were expressed as being pertinent in the event the Danish Government agreed to treat a matter about which he does not assume to speak positively.

I have not the least means of judging whether the Danish Government is shaping its course with the view of getting a better offer from you, or whether you have already offered all that you think you properly can. There are occasions when one matter can be made to help another, and other times when each can be best attended to by keeping them separated. And it is probable this Government would especially wish to avoid the appearance of being influenced in the matter by the pendency of a claim preferred by the United States. But if your proposition is not at an early day accepted as made, and you should still deem time important, and that upon the whole it might be better to vary the offer a little than to fail in the object, I submit that you consider whether the matter would be improved by offering to give a stated sum, whatever your judgment may approve, and a full release and discharge from the Butterfield claim, the United States assuming to settle that claim either on a given basis or by an agreement with the claimants, the consideration as to Denmark being the discharge. If at any time this course should appear to you to have any advantage, it would afford a good opportunity for respectfully conveying to His Majesty's Government the conviction of the President that it is "impossible" for the Government of the United States to abandon the claim, accompanied by the friendly assurance that it desires to avail itself of every possible means of an arrangement of the claim. It may be that the Government of the United States would thus not pay more in the end than it could afford, rather than fail entirely, in a separate transaction. And it may also be that the Danish Government, seeing the claim will not be abandoned, and must be met, will find it quite possible to pursue a modified course, and would be glad of being furnished a specious or plausible foundation for assuming that it had got rid of the claim by dint of negotiation, without real loss of money, and in the end got its fair and reasonable price for the cession. If this did not succeed, it would probably do no harm, being done after having waited a reasonable time for an answer to your definite offer, now pending, and its rejection would seem to give them good ground for as peremptory a demand as a powerful government would wish to make of a weak one.

I am, sir, very respectfully, your obedient servant,

GEO. H. YEAMAN.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Yeaman to Mr. Seward.

No. 56.]

LEGATION OF THE UNITED STATES,
Copenhagen, March 13, 1867.

SIR: Yesterday I received a note of the 9th instant from Mr. Adams, of London, giving a telegraphic dispatch received by him from you the day before, in the following words: "Please send the following in writing to Mr. Yeaman, at Copenhagen. Confidential dispatch received. Want yea or nay, now. We can read Danish politicians here, as well as Danish politicians can read American in Copenhagen."

I immediately sought an interview with General Raasloff, and opened the conversation by a reference to the subject-matter, and asked him what progress was made. He replied, "None material" since we had talked of it on the reception of your former telegraphic dispatch.

Referring to Count Frijs, the minister of foreign affairs, he observed, "He intends to do it, but does not feel quite ready yet," and proceeded to observe that there was a desire to await the further development of some "events in Europe." I asked, "What?" but neither received or expected a definite answer, for either the remark was made for a purpose and as a part of a plan, or it was a reference to contingencies which he ought not in his view to specify. I then intimated to him that my Government would like a more prompt answer than he appeared to indicate would be had. To this he replied: "Something more definite and positive is wanted from the other side—from your Government." I answered that I thought the proposal contained in your confidential note to him was quite explicit, and that I could not see very well how it could be made more so. He said that he regarded that, and it was so regarded as pro forma only; that the terms mentioned were out of the question, which you very well understood, and that if it was indicated, even approximately, what sum might be expected, a conclusion could be

had much sooner. I expressed surprise at these views taken of so plain a note after so long a time. He then added that the note was only intended to open negotiations and not to fix the price; that there were objections and difficulties to be overcome here; it was an unpleasant thing, and the price received would have a good deal to do in overcoming objections and diminishing the unpleasantness of the transaction; that some of the cabinet were willing for the matter to be consummated and others were not, but even with those who were willing the smallness of the price offered was an objection to opening negotiations, as they feared it would be construed as an implied willingness to accept something like the sum offered. I then told him that I had not taken such views of the proposition, and that I must now express to him the substance of a dispatch just received from you, "that the Government wants yea or nay, now." He asked if he could see the dispatch. I told him I would repeat to him so much as referred to the matter of the conversation, and then read him the words, "want yea or nay, now." He said he was just going to a cabinet meeting, and would communicate the message to the other members of the Government.

I purposely delayed the delivery of your message until I had sought to elicit his statement of the progress and present condition of the business and the views of the Danish cabinet in relation to it, thinking these would be communicated more freely before the reception of a demand for a categorical answer. In a different form this might have had the disadvantage of leaving less room for a retreat from the advanced intimations to an acceptance of the proposition as made. But this consideration has no weight here, for it was a mere conversation with only one member of the Government, and he not the one having its foreign relations in his charge; so that if the Danish Government is really willing or intends in any event to accept the proposal as made, and if all the balance is a mere temporary policy, there is not a particle of difficulty in their way.

I deem it sufficient for me to put you in possession of the facts, confident that your own conclusions will be more correct than any suggestions I could offer. And,

I am, sir, very respectfully, your obedient servant,

GEORGE H. YEAMAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Seward to Mr. Yeaman.

[Confidential.]

No. 36.]

DEPARTMENT OF STATE,
Washington, March 28, 1867.

SIR: Your dispatch of the 18th of March, No. 56, has been received and is approved.

Congress has been in session more than three months and has just now adjourned.

The Senate can hardly be expected to remain in session longer than ten days. I give you now a copy of my original private note to General Raasloff, written on the 17th day of July, 1866.

The delays which have occurred at Copenhagen have thus prevented direct overtures in regard to the object specified in that note. A contingency has come in which it is desirable to know what are the present prospects of negotiation.

A special session, either of the Senate or of Congress, may possibly occur during the summer.

You will ascertain from General Raasloff whether the United States may expect to be favored with a communication, formal or informal, from the Government of Denmark concerning the matter within a short time. If he shall answer in the negative, you will then say that you are authorized to submit to the minister for foreign affairs an offer for the purchase of the Danish West India Islands in the terms of the note before referred to. You will make such a communication to the minister for foreign affairs in a confidential manner and will communicate his reply.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

Mr. YEAMAN.

Mr. Yeaman to Mr. Seward.

[Extract.]

No. 63.]

LEGATION OF THE UNITED STATES,
Copenhagen, April 24, 1867.

SIR: I have the honor to state that yesterday evening I had an interview with General Raasloff upon the subject of your dispatch, No. 36, and that he assured me that he thought a communication would be made soon; that he would renew the subject in the cabinet and keep me advised, and that he thought the prospects better now than they had been. Upon these assurances I deem it proper to wait a reasonable time before addressing the minister of foreign affairs upon the subject. General Raasloff renewed the subject of the price, which I told him I had no authority to discuss. He said the amount named was not more than half, and laughingly added that Mr. Seward understood his people too well to risk his reputation by offering as much in the beginning as he really intended to give.

* * * * *

Very respectfully, your obedient servant,

GEORGE H. YEAMAN.

HON. WILLIAM H. SEWARD,
*Secretary of State, Washington.**Mr. Yeaman to Mr. Seward.*

No. 64.]

LEGATION OF THE UNITED STATES,
Copenhagen, April 27, 1867.

SIR: The course of political affairs here convinces me that the delay which has so far occurred in the matter of your former confidential communications to General Raasloff and myself is unfortunate, and I have to submit that I deem it eminently important that the negotiation should be concluded with the present Government, and as soon as possible.

The Rigsdag, whose consent is necessary under the constitution to any such treaty as the one you propose, will adjourn about the 1st of July not to meet again until October, though a called session could be had without much delay if it were deemed necessary. General Raasloff thinks a ratification can be carried, but thinks there should not be too great an interval of time between negotiation and submission, as such things nearly always, by some means, come to the knowledge of others, and it is quite plain that England, France, and Spain would use all possible efforts to thwart the design. This view of the attitude of those powers has all along occurred to me, and as he mentions it as a thing to be guarded against it may be even of more importance than I had supposed. I am satisfied that the delay has not been all on the General's part, but has been owing to the real difficulty he has met in bringing the cabinet to submit to any proposition on the basis of your letter to him.

Another reason why I deem time of importance is that he has recently told me that his military measures, now before the Rigsdag, will be made a ministerial question, and that if defeated not only he but all the cabinet will go out. What might be the views of another cabinet is very uncertain. At the best it would be a disadvantage to have to begin anew. Another cause that may possibly change the ministry in a few months is the attitude of the present Government in relation to France and Prussia. In the event of war the cabinet is decidedly in favor of the neutrality of Denmark, but early French successes (if they happen), active French influence, and the urgent demands of the indignant and enthusiastic National or Scandinavian party might drive the Government into war, and in so doing drive the present cabinet out of office. I can scarcely form an opinion whether the war party, the so-called National party, would, if in possession of the Government, be more or less willing to negotiate; but it would certainly be more under the influence of France, and we have had sufficient evidence that France does not very earnestly seek to promote our interests. I will try to see General Raasloff once more before writing to Count Frijs, and if possible in time for the next steamer, as he tells me there is a cabinet discussion of it soon.

Very respectfully, your obedient servant,

GEORGE H. YEAMAN.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Yeaman to Mr. Seward.

[Confidential.]

No. 65.]

LEGATION OF THE UNITED STATES,
Copenhagen, April 30, 1867.

SIR: Yesterday evening I had a protracted interview with General Raasloff. There had been a cabinet discussion the previous evening, and he was expected to communicate to me the views expressed and the partial results then attained. I learn from him in substance that the present cabinet will treat, if there can be an agreement upon the terms—that is, the price—though one member is so much opposed he will resign if the matter is effected, and that there is no doubt felt of a confirmation by the Rigsdag of whatever the Government may do in the matter.

I renewed my inquiry if I might expect that my Government would hear from his own upon the subject in a short time and in a tangible form. I told him I was explicit in this inquiry, because the execution of my own further instructions depended upon his answer. He replied that this week or next at furthest he thought a communication would be made; that it was intended to have the matter before the council for final action next Friday, and if that could not be done then certainly on the Friday following. I can not see, in this state of case, that an immediate note from me to Count Frijs would hasten matters any.

The General had much to say in regard to the various political considerations connected with the affair and of the difficulties that are in the way, and seemed quite explicit in expressing the views of the cabinet on these subjects. The political difficulties are opposition here, an opposition more of sentiment than anything else, and the disapprobation of the western powers, England and France. This he thought amounted almost to a positive danger to Denmark in the alienation and discontent it would effect. But he hoped for compensation in a nearer alliance with Russia and the United States. He admitted the difficulty of giving definite or effective expression to this in a treaty, but said it ought to follow as a consequence, and if any trouble grew out of the transaction the United States would have to stand by Denmark. I said I thought it would naturally strengthen the amity between the two States, but that as to trouble it was wholly an affair between them; that no other Government could make trouble out of it without an affront to the United States, and then it would become our own quarrel. He gave more importance to this idea than I think it deserves, but I do not think he exaggerates the opposition that England and France would feel and express to the transaction.

A practicable difficulty at present in the way, he said, was that there is now nobody at Washington to conduct the affair for his Government. I asked when they would send a minister, and repeated to him the opinion which Count Frijs had expressed to me that it would be done soon. He said the matter had frequently been conversed of between him and the count and several names mentioned, but nobody agreed upon yet. I observed that I had supposed that if the matter was matured before a minister went to Washington it would be done by conferring special and full power upon the consul-general, at present clothed with a diplomatic character. To this he replied very emphatically in the negative.

He again expressed his own views and, unofficially, the views of the cabinet about the price. I told him I had nothing to communicate on that subject but what he had already from you, but that since he had repeatedly mentioned it as a difficulty I would be obliged if he would communicate frankly conclusions so far as they had been reached on that subject. He replied he would express an opinion without making any statement that would bind his Government. His opinion was distinct and positive. He said that nothing could be done on the present offer, and he was satisfied that three times the amount would insure success, and he was not certain that less would. I have an opinion, based on this and an expression used by him in a former conversation, heretofore reported to you, that \$10,000,000 is about the amount this Government would expect to be offered and feel justified in accepting.

I then asked him what was the material and specific difficulty felt by the cabinet in making a communication or an offer on the subject in response to your note. He replied that there was so great a feeling against making a definite offer, against saying as an offer that the Government would sell for a definite sum, that he did not believe that any communication would come in that form. He thought that when it came it would be rather an intimation of a willingness to treat and an expression of unwillingness to accept the terms offered, and would leave the matter in that form open for renewed proposals from the United States; that if other propositions were made and found acceptable the matter would be accomplished, otherwise not. It is distinctly his opinion that the feeling of the cabinet is that offers must come from the United States, and will not come from Denmark.

He further explained that, as to Santa Cruz, Denmark was under a standing, well-defined obligation to offer it to France first, if ever the Government was willing to sell. I then suggested that, if negotiations were opened, it would be well that St. Thomas and St. John should be definitively disposed of before mentioning anything to France about Santa Cruz. He clearly agreed with me in this view, as he also does that French influence here is greater than the interests of this Government strictly require. He stated that the cabinet were quite determined and united that the consent of the people of the islands must be had. I suggested some difficulties and objections in regard to plebiscit, but he said he supposed it would be impossible to overcome that resolution. He said the cabinet felt the great political importance of the cession in its effects upon the relations of Denmark with other powers; that they would consider it as the beginning of the end of their entire colonial system in that quarter, and would regard the act as unkind and unfriendly in Denmark, and that, therefore, she ought to have ample pecuniary and political compensation.

I sought from him an expression of opinion in regard to the permanency of the cabinet. He does not now have so much apprehension of defeat on his military bills, which are made a Government question, as when he last saw me, but he has more apprehension now than then of war between France and Prussia, and that France and the National party here will make very great and, he fears, successful efforts to draw Denmark into the war, and thinks that this would result in an entire change of administration. To my inquiry how that would affect the matter in hand he replied that it would make it impossible, for the new Government would, in feeling, be more opposed to it, and would, moreover, be entirely under the influence of France, and that France would prohibit it. He fears that, if the present administration succeeds in keeping Denmark out of the war, French influence, a French fleet, and possibly a French force would so excite and direct the action of the National party and of the King of Sweden as to result in serious trouble, if not danger, to Denmark. I think this is only a possible event, and not probable. He was distinct, earnest, and repeated in his representation that the presence here, during the summer, of a Russian and an American fleet would be vastly beneficial to Denmark, to neutral rights, and probably to the matter we were discussing.

I have been careful to report his views in detail and with accuracy, for, although unofficially given, they were given in great part as the views of the cabinet, and with the consent of his colleagues; and he understands that, though given confidentially, I was seeking for information with a view to communicating it to you. It may not be just as you would expect an informal communication from the Government of Denmark, but I have made it full in the belief that some of the matters would be of interest to you.

I will add that I have conversed with some of my colleagues upon the possibility of a change of administration here, and I find they have received precisely the same impressions from Count Frijs and General Raasloff that I have on that subject.

I am, sir, very respectfully, your obedient servant,

GEO. H. YEAMAN.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Yeaman to Mr. Seward.

No. 66.]

LEGATION OF THE UNITED STATES,
Copenhagen, May 2, 1867.

SIR: This being conference day at the foreign office, I have just had an interview with Count Frijs.

He seems now to have no apprehension of defeat of the ministry upon the military measures of the Government. He thinks the appearance more peaceable between Prussia and France, but still very uncertain, with a strong chance for war. He is unequivocal in his expression of a desire that Denmark may remain neutral, but deems it uncertain whether neutrality can be preserved. To my inquiry about the probability of sending a minister to Washington at an early day, he replied that several names had been proposed and discussed, and none agreed upon yet, but he thought a selection would be made before a conclusion upon the subject General Raasloff had discussed with me. I then took occasion to say to him that it would be very agreeable to my Government, and was deemed material, that it should hear from him as soon as convenient, and that I hoped it might be possible to reach and dispose of it in council to-morrow. He said he thought it

could not be done to-morrow as there were several other matters of importance which had precedence in the order of business, which is successive, but that he thought it would certainly be done at the council meeting of next Friday, the 10th instant, and that I should then be promptly advised of what was done.

I am, sir, very respectfully, your obedient servant,

GEORGE H. YEAMAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Bithome to Mr. Seward.

ST. THOMAS, DANISH WEST INDIES,

May 13, 1867.

The undersigned, Charles H. Bithome, born in the island of St. Croix, Danish West Indies, A. D. 1827, and educated at the Prussian high school, Torgan, where he graduated in 1846 for the university, having resided in the United States of America during the years 1851 to 1852, the greater part of which period employed in the commercial house of John Mason & Co., at Philadelphia, Pa., and subsequently having been United States consular agent at Arecibo, Porto Rico, from 1857 to 1860, begs leave to offer his services to the United States Government and to point out a most suitable harbor in the neighboring island of St. John, for the purpose of establishing a naval depot and station.

Having resided in St. John for the last three years as a planter, he begs leave to accompany a sketch of it, and to call the United States Government's attention in particular to that part denominated Coral Bay, at the southeast end of that island, in every way adapted for such purpose, being by nature a very spacious and bold water bay with sandy bottom, with easy entrance and egress from and to the south, and in every respect a better and safer anchorage than even the renowned harbor in the sister island, St. Thomas; being, besides, one of the healthiest, if not the healthiest, locality in the West Indies, as never a case of yellow fever has been heard of there. The small islet at its entrance called "Buck Island," with the prominent high points on either side at the entrance to Coral Bay, afford every facility for making this bay, with comparatively trifling outlays, the greatest stronghold in the West Indies, and the surrounding high hills form a natural defense against heavy winds and weather, the inner part being landlocked, and almost in every part with upward of 6 fathoms of water close in to shore. The undersigned feels assured that a closer investigation by engineers and naval officers, which could be easily undertaken from here under the plea of a pleasure trip without creating any further suspicion, would only tend to confirm the facts which he has here stated.

The island of St. John having for the last fifteen years been of no benefit to the Danish Government, as the revenues arising from sugar and rum taxes chiefly have every year decreased to such an extent that it has for many years past been a burden to this island, which has had to make up the deficit, and for this reason it would be likely an acquisition for the United States under favorable terms, as well as a blessing for that at present almost abandoned island.

There are many other advantages to be derived by the United States for acquiring this island as a naval station, which your humble exponent will take great pleasure in explaining, should his proposition meet with acceptance and favor, being animated to bringing the same to your consideration by the mere desire of being serviceable to the United States, whose flag he entertains the fond hope of seeing wave over this entire hemisphere.

Most respectfully,

C. H. BITHOME.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Yeaman to Mr. Seward.

[Confidential.]

No. 67.]

LEGATION OF THE UNITED STATES,
Copenhagen, May 17, 1867.

SIR: This morning I received a note from General Raasloff, informing me that Count Frijs desired to see me this evening. At the appointed time I was received by the count at his house, General Raasloff being present.

The object of the interview was to acquaint me with the conclusions of the Danish Government upon the subject of your confidential proposition to General Raasloff of July last.

The count informed me that your offer had been promptly communicated to the Danish Government, and had been repeatedly and duly considered; that the Government had uniformly been, and were still, of the opinion that the terms offered could not be accepted; and that the Government had concluded to comply with what they supposed to be your desire, that they should make a counter proposition. He said they would cede the group of three islands to the United States for \$15,000,000; or, in the alternative, the two islands of St. Thomas and St. John for \$10,000,000, and Santa Cruz for \$5,000,000, with the option of taking the two former and rejecting the latter; that as to Santa Cruz, the Government could not sell without the consent of France; and he was of the opinion that if there was any difficulty on that point, so that it could not be ceded to the United States, it would not be sold to France but be kept by Denmark; that the ratification by the Rigsdag of such a cession is constitutionally necessary; and, after that, the Danish Government will require that the consent of the people of the islands shall be had; that the Rigsdag will probably adjourn in the latter part of June, to meet regularly in October, and, if it were deemed material, an extra session could be had; that the negotiation, if opened, will be conducted at Copenhagen; and that he deems it important to both parties that any negotiation should be concluded and ratified as soon as possible after being opened, to avoid objections and remonstrances from other powers. In regard to the negotiation being had at this capital, he explained that the proposal was made with the utmost possible respect for the United States, and had the manifest advantage of effecting the arrangement where it could be immediately submitted to the Rigsdag; and, moreover, the Danish Government had not at present any agent in Washington to whom such business could be confided.

I asked if this course was suggested on account of its supposed advantages, and was to be only so suggested to my Government, or as a condition put by his Government. He said I was especially requested to mention it to my own Government, as a part of the proposition to treat, that the negotiations should be at Copenhagen.

For reasons heretofore explained to you I had not addressed him a note on the subject, as the contingency had not arisen in which I deemed your instruction to that effect applicable, nor has he communicated with me in writing. I state, at his request, what he verbally communicated to me in the presence of General Raasloff as the conclusion and the proposition of his Government on this subject. I have to-day forwarded by letter a telegram to Mr. Adams, at London, embracing the substance of this dispatch, and requested him to forward it in cipher, this legation not having the means of communicating directly with you in that form.

I am, sir, very respectfully, your obedient servant,

GEO. H. YEAMAN.

Hon. WM. H. SEWARD,
Secretary of State, Washington.

Mr. Seward to Mr. Yeaman.

No. 38.]

DEPARTMENT OF STATE,
Washington, May 27, 1867.

SIR: By the telegram in cipher of this Department of the 23d instant, which Mr. Adams was directed to forward to you in writing from London, you were informed of the terms and conditions upon which the United States would accept a cession of the Danish West India Islands. If by the time that this instruction shall reach you the Danish Government shall be prepared to accept those terms and conditions, the accompanying full power will enable you to enter upon and conclude the negotiations of a convention upon the subject. A draft of a convention is also transmitted. It is expected that in the instrument as ultimately signed there will be no material variation from this draft.

The cession must include all the islands owned by Denmark in the quarter referred to. The sum to be paid therefor by the United States must not exceed \$7,500,000 in gold.

The convention must be signed and ratified on behalf of Denmark on or before the 4th of August next. These terms and conditions are indispensable. If they should be refused by Denmark you will declare the negotiation at an end.

It is not believed that the consent of the people of the islands is necessary. You will notice that provision is made in the draft for the withdrawal of any of the inhabitants of the islands. If they choose to remain there they may either become citizens of the United States, or, if they should prefer not to forswear their natural allegiance, they may stay and will enjoy that protection which is by treaty stipulated in behalf of Danish subjects elsewhere in the United States and which they might also claim pursuant to public law.

The treaty will be ratified by the United States before May next. The ratifications are to be exchanged here. We expect the title to be wholly unincumbered. The possession must be delivered to us on the payment of the money, and we shall expect that the cession include all the public, fixed property, civil, military, and naval.

If you should conclude such a convention, you are authorized to send it hither by a special messenger, who will receive for the service \$6 a day and his necessary traveling expenses, payable in gold.

If the overture above referred to should be substantially declined, it must at once be withdrawn by you. Should Denmark delay reply, we must be deemed at liberty to withdraw from the business at any time.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE H. YEAMAN, Esq., etc., Copenhagen.

Draught of the treaty accompanying the above.

The United States of America and His Majesty the King of Denmark, being desirous of confirming the good understanding which exists between them, have for that purpose appointed as plenipotentiaries the President of the United States, George H. Yeaman, accredited as their minister resident to his said Majesty, and His Majesty the King of Denmark.

And the said plenipotentiaries having exchanged their full powers, which are found to be in due form, have agreed upon and signed the following articles:

ARTICLE I.

His Majesty the King of Denmark agrees to cede to the United States by this convention all the Danish West India Islands, namely, the island of St. Thomas, the island of Santa Cruz, and the island of St. John.

ARTICLE II.

In the cession of territory and dominion made by the preceding article are included the right of property in all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices which are not private individual property.

Any Government archives, papers, and documents relative to the territory and dominion aforesaid which may be now existing there shall be left in the possession of the agent of the United States, but an authenticated copy of such of them as may be required will be at all times given by the United States to the Danish Government, or to such Danish officers or subjects as may apply for them.

ARTICLE III.

The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Denmark within two years, but if they should prefer to remain in the ceded territory they shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the full enjoyment of their liberty, property, and religion.

ARTICLE IV.

Immediately after the payment by the United States of the sum of money stipulated for in the fifth article of this convention, His Majesty the King of Denmark shall appoint an agent or agents for the purpose of formally delivering to a similar agent or agents appointed on behalf of the United States, the territory, islands, property, and appurtenances which are ceded as above, including any fortifications or military posts which may be in the ceded territory. Any Danish troops which may be in the territory or islands aforesaid shall be withdrawn as soon as may be reasonably and conveniently practicable.

ARTICLE V.

In consideration of the cession aforesaid, the United States agree to pay at the Treasury in Washington, within three months after the exchange of the ratification of this convention, to the diplomatic representative or other agent of His Majesty the King of Denmark, duly authorized to receive the same, seven million five hundred thousand dollars in gold. The cession of the territory and islands herein made is hereby declared to be free and unincumbered by any reservations, privileges, franchises, grants, or possessions by any associated companies, whether corporate or incorporate, Danish or any other, or by any parties except merely private individual property holders; and the cession hereby made conveys all the dominion, rights, franchises, and privileges now belonging to Denmark in the said territory and islands.

ARTICLE VI.

When this convention shall have been duly ratified by the President of the United States, by and with the advice and consent of the Senate, on the one part, and on the other by His Majesty the King of Denmark, the ratifications shall be exchanged at Washington, within ——— from the date thereof, or sooner if possible.

Dated at Copenhagen the ——— day of ——— in the year of our Lord one thousand eight hundred and sixty-seven.

Mr. Yeaman to Mr. Seward.

No. 73.]

LEGATION OF THE UNITED STATES,
Copenhagen, June 7, 1867.

SIR: On the 28th day of May I received from Mr. Adams a note of the 25th giving me a translation of your last dispatch to me in cipher, received by him on the evening of the 24th, and I have the honor herewith to inclose a copy of a note which I addressed to Count Frijs on the same day your telegram was received by me. I deemed it better, for the sake of certainty, that my communication should be in writing. It also appeared to me better that this Government should not have any room for supposing that I had any power or discretion in reserve, and that it would facilitate a conclusion to offer at once all I was empowered to offer, and to express the several points in the form of ultimata, as you had so expressed them to me.

The next day after the delivery of the note, Count Frijs, on diplomatic conference day, intimated to me that I should have an early answer, and that the French priority on Santa Cruz seemed a difficulty under the form of my note. General Raasloff also on the same day expressed the same opinion, observing that I would have an early answer, and expressing his own very distinct, but private, unofficial opinion that the response would be negative.

Since then the military law pending in the Rigsdag, and which had become a test ministerial question, has been passing through its several critical stages in the Rigsdag, where the members of the cabinet sit and discuss measures, and has so entirely absorbed the attention of the ministry that I thought it would be useless to ask for an immediate consideration of the offer. The ministry have now been sustained by a majority in the Folkething more decided than anybody had expected, and there is no doubt of the passage of the law through the Lands-thing. All present apprehension of a change of ministry has ceased.

I did not at first perceive the precise connection and meaning of the expression in your telegram, "Denmark may take it at her cost before, not after, she ratifies." But taking it to refer to the consent of the people of the islands, it would seem to be a measure which this Government could adopt or not at its option; and as, if done at all, it was to be done before the treaty was ratified, its performance need not be stipulated for in the treaty.

Moreover, the requirement of an absolute ratification before the 4th of August next would practically exclude any such measure.

For these reasons I made no allusion to it in my note, but have been careful to call attention to it by verbal mention to General Raasloff the next day. He observed that he did not deem it material and that the alternative presented by you of giving the people two years to elect their nationality, though not so acceptable to this Government as a direct vote upon the question of cession, was a tolerably fair substitute, and he thought there would be no further difficulty on that point, though confident there would be as to the price.

Yesterday Mr. ——— arrived and presented me your note. I immediately obtained for him an interview with General Raasloff, and we met the general again to-day by appointment. Mr. ——— informs me he will immediately communicate to you what he deems the result of these interviews.

I have, in consequence of them, felt somewhat embarrassed and at a loss what course to pursue. General Raasloff stated to Mr. ——— verbally and unofficially, but very distinctly, in my presence, that the offer of seven millions and a half will not be accepted, and quite as distinctly that another sum—eleven millions and a quarter—would certainly be acceptable, and enable them immediately to close and ratify the treaty, adding that the offer of ten or ten and a half might be considered by the Government, but with what results he could not state.

Having myself received no answer, verbal or written, official or unofficial, from Count Frijs, to whom my note was addressed, I felt concerned to determine whether by these statements of General Raasloff to Mr. ——— I should consider the proposition as "substantially declined," so as to require me, in compliance with your instructions, to withdraw it. I was inclined to think, considering the part General Raasloff has borne in the negotiations heretofore, that I would at least be justified under your instructions in withdrawing the offer; but Mr. ——— was decidedly of the opinion that it was not yet incumbent on me to do so, and I have not yet done so. At my next interview with Count Frijs I will seek from him such a response to my note as will enable me satisfactorily to myself either to withdraw the offer or allow it to remain standing.

I am, sir, very respectfully, your obedient servant,

GEORGE H. YEAMAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Yeaman to Count Frijs.

[Confidential.]

LEGATION OF THE UNITED STATES,
Copenhagen, May 28, 1867.

SIR: Calling your excellency's attention to our interview on the 17th day of this month touching the proposal heretofore made by the Government of the United States to the Government of His Majesty to negotiate for the cession of the Danish West India islands, I have the honor to inform you that on the same day I forwarded a suitable telegraphic dispatch to the Secretary of State of the United States, advising him of the substance of the terms you had indicated, and also on the same day forwarded to him a dispatch in writing, giving detailed account of our interview and of the proposals which you did me the honor to authorize and request me to submit to the consideration of my Government.

And I have now the honor to inform you that I am to-day in receipt of a telegram advising me of the terms upon which my Government will negotiate, and that full power and instructions have been forwarded to me by mail from Washington to enable me to carry into effect the negotiation if the proposals meet with the approbation of His Majesty's Government.

I therefore deem it proper and best to advise you, in advance of the reception of my formal power and instructions, of the definite terms upon which my Government expresses its willingness to effect the negotiation.

It proposes to pay for the three islands, St. Thomas, St. John, and Santa Cruz, \$7,500,000 in United States gold coin: the treaty to be signed here and ratified by Denmark absolutely before the 4th day of August next or the negotiation will end.

Consent is not given to await or depend upon a ratification by vote of the people of the islands.

The treaty is to be constitutionally ratified by the President and the Senate before next May, and the ratifications are to be exchanged at Washington.

The public property, civil and military, to be ceded with the islands, and private property to be protected in the possession of the owner. The inhabitants reserve their allegiance, and have, during two years, the right of electing their nationality, those who remain after two years to be citizens of the United States, under the Constitution and laws thereof.

The Government of the United States reserves the right to withdraw its proposition and end the negotiation at any time before notice is received of its ratification by Denmark.

I have expressed these points as fully as I am enabled to do from the condensed preliminary instructions which I have so far received, and I deem it proper to add that they are expressed to me in the form of final propositions. If anything further and material for the consideration of His Majesty's Government is observed in my more detailed instructions, it shall be promptly communicated when they are received. My present object is, to put in a definite form, and at the earliest practicable moment, before His Majesty's Government, the main features of agreement which my own Government proposes shall be embraced in the treaty.

I avail myself of this occasion to offer to your excellency the renewed assurances of my profound consideration.

GEO. H. YEAMAN.

His Excellency Count FRIJS,
Minister of Foreign Affairs and President of the Council, Copenhagen.

Mr. Yeaman to Mr. Seward.

No. 74.]

LEGATION OF THE UNITED STATES,
Copenhagen, June 13, 1867.

SIR: I have the honor to acknowledge the receipt yesterday of your dispatch, No. 38, of the 27th May, with power and draft of treaty inclosed.

This being weekly conference day, I have just had an interview with Count Frijs and called his attention to the subject. He said that he hoped to give me a definite answer next Sunday, the 16th. No doubt this delay of a few days was proposed because there will, in the meantime, be a regular cabinet council. I expressed the hope that the alternative proposed—that the people should reserve their allegiance for two years—would be acceptable to his Government, and that there might be no occasion for a canvass and an election.

He made no objection to this, but said that the price and the condition of the title to Santa Cruz were the main points.

There was no further discussion of the matter, and, however distinctly General Raasloff may have made the impression in his unofficial conversation with Mr. ———, that the offer will be declined, I did not think it appropriate, perhaps not justifiable, to withdraw the offer this morning, when the Count had promised an official answer at so early a day.

I am, sir, your obedient servant,

GEO. H. YEAMAN

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Philips to Mr. Seward.

ST. THOMAS, June 13, 1867.

HONORABLE SIR: Inclosed I forward a memorandum of the revenues and expenditures of the island of St. Thomas.

Should you wish any elucidations in regard to the same, I can be found at No. 43 South street, New York, as I leave in the Brazil steamer to remain a couple of months in New York.

I am, honorable sir,

G. F. PHILIPS.

HON. WILLIAM H. SEWARD,
Washington, D. C.

ST. THOMAS, DANISH WEST INDIES,
June 13, 1867.

The undersigned had the honor of transmitting, on the 13th ultimo, a sketch of the island of St. John, Danish West Indies, offering his services to the United States Government, with the view of acquiring from the Danish Government this island, and establishing there a naval station and depot.

Aware of the importance of keeping the plan strictly private until the United States Government could, in the event of entering into it, take the necessary steps for securing said island under the most favorable terms, your exponent did not

address himself to you through the acting consul in this island, the more so as this official is a merchant, and mercantile speculations might interfere in bringing about the most favorable acquisition, should the Government desire this acquisition.

Your exponent at the same time begs leave to mention that his pecuniary circumstances are of that nature that he has to subsist by the recompensation for his knowledge and experience in the mercantile career, and should he not receive a reply to his proposition by return of mail, on the 29th instant, he might be obliged to enter, in the course of next month, into such engagements in his pursuit of subsistence and earning an honest livelihood which might deprive him of the possibility of serving the United States Government in the manner he desires, and entering into an engagement for carrying out the United States Government's views should his proposition meet acceptance and favor.

Most respectfully,

C. H. BITHOM.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington City.

Draft of a budget for the municipality of St. Thomas and St. John, for the financial year from the 1st of April, 1867, to the 31st of March, 1868.

I.—REVENUES.

A.—Revenues from direct taxation:

1. Ground and building tax	\$12,790.00	
2. House tax	15,975.00	
3. Trade tax	15,950.00	
4. Lamp tax	4,873.00	
5. House, carriage, and boat tax	2,411.00	
6. Quarter per cent tax	1,381.00	
		\$53,389.00

B.—Revenues from indirect taxation:

1. Custom dues in St. Thomas	68,611.00	
2. Custom dues in St. John	1,146.00	
3. Ship dues	33,901.00	
4. Fees collected at the custom-house	498.00	
5. Revenue from the harbor and pilot department	12,256.00	
6. Vendue fees and percentage	10,681.00	
7. Dues on recorded sales of properties not on vendue	306.00	
8. Tax on inheritances and to the revising offices	641.00	
9. Dues to the fund for the administration of justice	1,201.00	
10. Court fees, and fees at the police offices	14,418.00	
11. Fees for appointment	152.00	
12. Fees for grants and dues on burgher briefs, etc.	7,014.00	
13. Revenue from the post department	2,400.00	
14. Fort fees	1,444.00	
15. Tax on ruin licenses	2,815.00	
		157,544.00

C.—Sunday revenues **6,519.00**

Total revenue..... 217,452.00

II.—EXPENSES.

A.—Contribution to the general state expenses **\$28,000.00**

B.—The superior administration in the mother country, etc., with addition of the normal rate of exchange of \$6,720, the half **\$3,360.00**

For rent of storeroom in the mother country and expenses of sending goods, with the addition of the normal rate of exchange, \$160, the half **80.00**

3,440.00

C.—Contribution to the superior local administration, etc.:

1. The superior local administration **7,000.00**

2. The upper court:

The upper judge's salary, \$3,500, the half, \$1,764.17;
additional \$14.17 **1,764.17**

Salaries of a copyist, etc., messenger **500.00**

9,264.17

Draft of a budget for the municipality of St. Thomas and St. John for the financial year from the 1st of April, 1867, to the 31st of March, 1868—Continued.

II.—EXPENSES—continued.

D.—The presidency of St. Thomas and St. John:		
The president's salary.....	\$6,000.00	
Table money.....	2,500.00	
		\$8,500.00
The president's secretary's salary.....	2,600.00	
Additional salary.....	200.00	
		2,800.00
Office.....	1,200.00	
Clerks, messenger, and stationery.....	1,842.00	
		3,042.00
		\$14,842.00
E.—Expenses for the colonial council of St. Thomas and St. John....		
F.—The different branches of administration and public institutions at St. Thomas and St. John:		
1. Officers belonging under the administration.....	\$6,862.00	
2. The judiciary and police department.....	26,840.00	
3. The clerical department.....	1,550.00	
4. The customs department.....	6,850.00	
5. The department of harbor, etc.....	14,404.00	
6. The post department.....	2,240.00	
7 and 8. Military and militia departments.....	36,907.00	
9. Streets and roads.....	10,490.00	
10. Instruction.....	1,702.00	
11. Sanitary department.....	8,920.00	
12. The poor department.....	1,060.00	
13. The prison department.....	3,060.00	
		120,975.00
G. Buildings.....		11,769.00
H. Hire of vessels.....		900.00
I. Pensions, etc.....		6,968.00
Total expenditure.....		197,658.17

Mr. Yeaman to Mr. Seward.

No. 75.]

LEGATION OF THE UNITED STATES,

Copenhagen, June 17, 1867.

SIR: I have the honor to inform you that, at the request and appointment of Count Frijs, I had an interview with him yesterday upon the subject of my confidential note to him of the 28th of May. The interview was official, and General Raasloff was present. His Excellency proceeded to acquaint me with the conclusion of His Majesty's Government upon the several points of my note, based upon your telegraphic dispatch conveying to me your instructions for the conduct of the negotiation.

First, he explained that the offer of seven and a half millions for the three islands could not be accepted and was declined. At the same time he regretted the present inability of the two Governments to agree upon the terms of the negotiation, and expressed the willingness of his own Government further to entertain the matter, and to consider whether a mutually satisfactory understanding could not be arrived at, and added that the Danish Government would accept seven and a half millions for the two islands of St. Thomas and St. John, and half that sum for Santa Cruz, the two offers being distinct and independent and might be accepted or rejected severally, each as an entire proposition, and if both are accepted, the negotiations and treaties to be separate, the cession of Santa Cruz depending upon the consent of France, for reasons heretofore explained to me and which I have conveyed to the Department.

Next he observed that the Danish Government could not accede to the proposition that it must ratify absolutely before the 4th of August.

They were willing to be bound equally with the United States to exchange ratifications within a given time, and would on their part exert themselves to obtain a ratification here as soon as it could be conveniently done.

But for Denmark to be bound by a ratified treaty from August until May, and the United States to be at liberty to ratify or not until May, he thought was not equal. Ratification, he remarked, was a thing to be done by each Government in its own time and in its own way, only being bound to exchange ratifications within a given time.

In this connection he also observed that the reservation by the United States of the right to withdraw the proposition at any time and end the negotiation before notice was received that Denmark had ratified was not equal and reciprocal unless Denmark had the same right; that every step in a negotiation ought to be equally binding upon both parties, and further observed that in any view it was an unusual and might be a very inconvenient position; and put the case of a treaty duly signed by the authorized agents of the two Governments, and that Denmark should promptly and in good faith seek to have it ratified in the usual forms, but before it was possible to do so and give notice the United States should withdraw and break off the negotiation. He then reminded me in a courteous way, and in proper and delicate terms, that Denmark had not sought to sell the islands, but that we were seeking to buy, and distinctly affirmed that any negotiation in regard to the matter must be conducted upon terms of perfect equality and reciprocity, and he could not think that the terms offered were of that character.

Finally, as to the consent of the people of the islands, he expressed the conviction of himself and his Government that it could not be dispensed with.

He thought no difficulty or obstruction would result from it, and said there should be no unnecessary delay in taking the sense of the people. But there were two reasons why, upon mature reflection, the Government could not dispense with it. The modern custom in Europe upon that subject was so uniform as to amount almost to a rule of public law, and any departure from it would attract marked attention and comment if not discontent. In addition to this the people and the Government of Denmark were just at this moment intensely interested in the subject of a vote of the people of North Schleswig, under a provision of the treaty of Prague, to determine for themselves their final and permanent relations with Denmark, and that though the two cases were not similar in their facts they were similar in the importance supposed properly to belong to an expression of their wishes by the people of any district and country upon the question of dissolving their former political relations and ties and assuming or passing under new ones; and that Denmark might find it an impediment, or at least an unpleasant attitude before the public, to alienate one province without the consent of the people, while naturally and so justly desirous that the people of another district should proceed to give an expression of their preferences, and while hoping for such happy results from that expression.

I told him I would take pains to communicate the substance of his remarks to my Government, but that now my instructions required me to announce to him that the offer was withdrawn and the negotiation ended, which I did in the exact words of your instructions, and asked him to accept this verbal declaration as having all the effect of a formal note for that purpose, to which he acceded.

I am, sir, very respectfully, your obedient servant,

GEORGE H. YEAMAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Yeaman to Mr. Seward.

LEGATION OF THE UNITED STATES,
Copenhagen, June 17, 1867.

DEAR SIR: My dispatch of this date gives the result of the negotiation thus far. You perceive that though the negotiation is ended on our part, the Danish minister has authorized me to state what would be an acceptable offer. I had hoped, and had so expressed myself to you, that the vote of the people of the islands would not be insisted upon, and I still think that it would not be but for the present attitude of the Schleswig question.

As this effort has ended without results, and as there is not now any offer or negotiations pending by the United States, and the matter can be resumed or allowed to rest at the pleasure of the Government, I beg your permission to submit my personal views of the matter. Since I have had any real connection with the affair I have never had any reason to believe that less than ten millions would at any

time have succeeded, and now, without undertaking to say that ten millions would not, I may say that from all the conversations I have had with these gentlemen, officially and unofficially, it would not be accurate and well founded in me to express any decided hope or belief that the Danish Government will take any less than was officially indicated to me yesterday.

While I never believed they would insist on fifteen millions, I was not so confident they would accept ten.

You have heard from Mr. — that he believes that ten will succeed and urges the offer of that sum. He very much regretted that your telegram to me, being of a later date than your confidential interview with him, seemed to modify the views held when he last saw you and received a note from you. Otherwise he thought a treaty might have been negotiated while he was here. I was not so confident as he on that point, but it has been tolerably plain all the while that the offer embraced in your telegram to me would not be accepted, and even if the price had been perfectly acceptable, I doubt whether the negotiations could have proceeded with safety and success on account of the relation of Santa Cruz to France heretofore fully stated.

While acting under clear and positive instructions, I have not felt at liberty to give any opinion of my own, and have strictly limited myself to communicating what you have directed and giving you in turn all of consequence that was said to me of the matter. But now, in view of the possibility that the Government may at any future time again give the matter its consideration, I deem it my duty to say, in view of all I have seen and learned here, that if the Government deems the islands worth the sum indicated by Mr. — I would deem the Government fortunate and successful in concluding a treaty on that basis; and that as to the offer now made by the Danish Government, were I acting under the full power and on my own judgment of the naval value of those islands and their harbors to the United States, I would not hesitate, if nothing less would succeed, to give the seven millions and a half for St. Thomas and St. John, and refer the offer touching Santa Cruz, concerning the value of which I have not so clear an opinion. Nor do I think there is any doubt as to the necessity for separate negotiations.

Your most obedient servant,

GEORGE H. YEAMAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

P. S.—When I saw General Raasloff yesterday he requested to be most cordially and especially remembered to you, and says he would have written before but for his constant and pressing engagements. He has asked me how I receive and send dispatches in relation to such important matters, and has been much surprised to learn that it was through the mails. He has no confidence of anything being safe from inspection, and has suggested that I should go in person or send a messenger to London to put them in the Government bags there. Of course I can not do this, not having any fund at the command of the legation, though I think he is quite correct as to the danger constantly incurred in the matter. He said he had heard you were coming to Paris and intended to meet you there.

I find the gentlemen of this Government a little sensitive upon all questions of dignity, prestige, and equality. This is natural. They feel weak, and, in some degree, abandoned by one or two allies, and no doubt are more exacting now in the formal part of diplomatic intercourse than they once would have been. I am impressed that a hearty, friendly, somewhat imposing visit of the navy in considerable force would make a good impression. They are in a condition to appreciate attention and sympathy. If General Sherman makes his trip tell him to call here and spend a while.

G. H. Y.

General Delafield to Mr. Seward.

MEMOIR ON THE VALUE OF THE SOVEREIGNTY OF THE DANISH WEST INDIA ISLANDS.

From the most reliable information at command it appears that the three Danish islands, St. Thomas, St. John, and Santa Cruz, cover a surface of 127 square miles, inhabited by 39,623 persons, white and black. This surface is equal to 81,280 acres, and includes the entire surface of arable, marsh, rocky, and every other quality, occupied and unoccupied.

It may be valued (the fee) at \$100 per acre, making the land of the three islands at this rate to be worth	\$8, 128, 000
To this let us add buildings constructed by the inhabitants, say at the rate of \$1,000 for every ten of the population, white and black	3, 962, 000
And the value of the national edifices, consisting of five forts and some hospitals, together with other public structures	1, 500, 000

Making a total of value of all the lands and buildings, public and private, to be about .. 13, 590, 000

The revenue of the Danish Government derived from these three islands in 1860 was:

From Santa Cruz	\$201, 817
From St. Thomas and St. John	173, 404

Total .. 375, 221

The expenditure of the Danish Government during the same year exceeded the income by \$33,496, the expenses for the year being \$408,717. Thus it appears that these three colonies are a source of annual expense to the Danish Government of \$33,496. They, however, yield a revenue of \$375,221 that is supposed to be applied to support so much of the national army, navy, and other functionaries of the Government that would otherwise have to be paid from the annual resources of the Kingdom, which were, in 1861, \$8,678,366.

This income of \$375,221 may, therefore, be a resource for liquidating debts that may still be a burden to the state without the islands, and hence the sovereignty of the islands may be worth to the Crown a capital that would yield this sum annually, or a debt of \$8,174,340, bearing 5 per cent per annum, while the total value of the property belonging to the people and Crown we have estimated at \$13,590,000.

If we consider this income of \$375,221 to be derived from the population as an income tax of 10 per cent on the annual industry of the entire population, it would be equivalent to rating their annual productive industry and resources at \$3,752,221, and dividing this among the number of inhabitants, would give the individual resources and industry of \$95 per head to meet the taxes of the Government.

To raise the sum of \$375,221 (now received by the Danish Government) from customs and imports, and supposing the duties to be 30 per cent, the amount of imports would have to be \$1,250,770. It is known, however, that the amount of imports into the island of St. Thomas alone was, in one year, \$5,000,000; a duty on which, at 7½ per cent, would suffice to yield an income equivalent to that now raised by the Danish Government.

In conclusion, then, I can only venture an opinion, based, as it will be seen, on very limited information, that the Danish islands are now a source of debt to that Government; a source of convenience and advantage to it in maintaining a port of their nationality; a source of private revenue to the King from estates said to belong to him personally, and a political influence over the commerce of the islands in the Caribbean sea so long as he is allowed to hold them; that they possess little or no strength to prevent maritime powers wresting them from his grasp, and that if he is given \$3,000,000 in bonds bearing 5 per cent interest he will be well paid for his sovereignty; and if paid \$5,000,000 therefor will realize more than his Government can in any way derive by holding a prize that can be taken from him at any moment he becomes at war with a strong maritime nation.

All of which is respectfully submitted.

RICHARD DELAFIELD,
Brevet Major-General and Chief Engineer, U. S. A.

ENGINEER DEPARTMENT, July 9, 1866.

Mr. Yeaman to Mr. Seward.

No. 81.]

LEGATION OF THE UNITED STATES,
Copenhagen, July 12, 1867.

SIR: On Saturday, the 6th instant, I received from Mr. Adams a note of the 8d, inclosing me without date your telegram, as follows: "Tell Yeaman close with Denmark's offer. St. John, St. Thomas, eight and a half millions; report brief, quick, by cable: send treaty ratified immediately."

Taking the word "eight" as a mistake occurring somewhere in the reduction,

transmission, or translation of the message, I immediately sought an interview with Count Frijs and General Raasloff to accept the offer of the islands at seven millions and a half, and communicated verbally with the general whom I found first and who was just going to see the count by appointment. I offered to negotiate the treaty as soon as possible, with the view of obtaining a ratification during the present session of the Rigsdag, which was then to adjourn in a few days, and I urged very earnestly that the vote in the islands should be dispensed with.

I was soon afterwards advised by the general that they were leaving town that evening to spend Sunday in the country and would return Monday evening; that the count desired a day or two to think of the matter, as there were several points in doubt and to be considered. I surmised at once what one of these was and determined the next day that whenever it appeared impracticable to obtain a ratification during the remnant of the present session I would venture to waive the demand for a ratification by the 4th of August as a basis of the negotiation which had been so much objected to here, and on Monday, the 8th, I received from Mr. Adams a note of the 5th conveying your telegram: "Tell Yeaman waive August ratification report."

Monday and Tuesday I was in bed with severe illness, and the same days Count Frijs and General Raasloff were both extremely occupied in the closing business of the Rigsdag where they sit, and where there was again, for the second or third time, a ministerial or cabinet question pending.

Wednesday morning, as soon as my physician would permit, I sought to see Count Frijs at the foreign office, but he was absent, engaged with the Rigsdag and the King. In the evening I was invited to meet him the next day (yesterday) at the foreign ministry, which I did at the hour fixed. In the meantime General Raasloff called at my house on Wednesday evening, and at these interviews the affair had been quite fully talked over; I constantly aiming at an immediate treaty until I saw it could not be done, and that further effort in that direction would be useless if not disadvantageous.

I have been thus minute in stating to you every step, and how each day was consumed, because it will explain what might otherwise appear unnecessary delay, and because I have myself been very greatly disappointed in not being able to conclude and ratify the treaty at the present session of the Rigsdag, which adjourns to-morrow. Moreover, to say the truth, one can not easily hasten affairs of any sort in Denmark. In everything, from cobbler to King, they are the most deliberate and leisurely people in the world.

The result of these interviews is that the two ministers propose to enter upon definite work of negotiating and reducing the treaty to form next week, they deeming it entirely impracticable to conclude it, arrange its provisions, and get it through the Rigsdag in the little time now remaining, and that they can not ask the members to remain another week or two after a session of nine months, and when the time has been fixed that they could go home to their private affairs. They seem to think the affair practically settled: at least that all difficulties are out of the way except the vote of the people of the islands. Upon this subject I have lost no opportunity to impress upon them, in the most earnest and explicit manner, the very great preference of myself and my Government that the cession shall be absolute, and not subject to any further conditions; and that it can not be in accordance with the interests or the feelings of either Government that the matter should fail after a treaty has been signed, and that nothing should be done that would invite or present an opportunity for the interference and counter influence in the islands of those three great powers which would much rather see the matter fail than succeed; and I have indicated that I am not instructed or authorized to agree to such a proposal, and that for me to venture to do so might jeopard the treaty at Washington as well as in the islands.

To this it is replied that there is no real danger of failure; that but little time or opportunity will be allowed for foreign interference or influence upon the election; that ratification by the Rigsdag will be much more sure and easy if the treaty is first voted for by the islands; and the effect of a contrary course, upon the Schleswig question, as heretofore urged, and as stated in my dispatch No. 75, of 17th June, is now repeated with increased earnestness and emphasis.

My opinion is, that this latter consideration is the only real difficulty in the way, and I have to admit to you my appreciation of its force from the Danish standpoint.

They speak very frankly about the matter, and have indicated that it is possible that the cabinet may be brought to waive the vote, but have not given me any substantial reason to hope that it will be, and my opinion is it will not be given up.

This leaves me in great embarrassment. I have telegraphed you through Mr. Adams for instructions, because I deem it probable, from present appearances, that the negotiation will be delayed long enough for me to get an answer.

But I have resolved that if, without further instructions, it comes to be a question of taking the treaty with a vote or not at all, I will yield, it being the only chance left for present success, and the influence of future European complications upon the matter can neither be foreseen nor trusted. I will press my objections as far as can well be done this side the point of breaking the negotiation.

As a matter of construction, your direction to waive the August ratification, being sent, as I take it, after the reception of my dispatch of the 17th June, instead of excluding this, by mentioning one waiver and omitting others, might be held as an instruction upon what was deemed the only matter then left open and in the way, seeing from that dispatch that Denmark refused to negotiate except on the basis of a vote. Especially would this view be correct, taking a waiver of immediate ratification, which would, if adhered to, make a vote impossible in connection with your former consent, that Denmark might take the vote before, not after, ratification.

But I have constantly preferred to avoid the vote altogether, if it could be done, and if it can not, I prefer directions as to construction and responsibility.

If the point has to be yielded in order to get a treaty, and if Denmark intends to make her ultimate ratification or exchange depend on the result of the vote, which seems probable, then it would appear immaterial whether the vote were stipulated for in the treaty or not. But I shall insist on keeping it out, and leaving it a thing to be done by Denmark of her own option, which might be better in view of ulterior questions that might arise between the two governments, or with Denmark, as to her real power over the cession in the event of irregularity, improper conduct, or a doubtful result, and as being also more in harmony with your first telegraphic instructions of the 21st May, received here on the 28th.

I shall also insist that in determining the capacity for voting upon the question, all foreigners domiciled in the island merely for business purposes shall be excluded, and that all native-born subjects of Denmark shall vote. I would do this, because the votes of the colored freed people would probably make the result more certain in our favor, and because it would better comport with the position that class of men would occupy as citizens of the United States after annexation.

I understand, but am not quite sure, that they predominate in numbers, and have not heretofore voted in the local and municipal government of the island.

It is probable I will have your instructions before the matter is brought to a turning point, but in the event I should not, I desired that you should, as soon as possible, have the whole negotiation before you, as far as I am at present able to see it; and

I am, sir, very respectfully, your obedient servant,

GEORGE H. YEAMAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Yeaman to Mr. Seward.

No. 84.]

LEGATION OF THE UNITED STATES,
Copenhagen, July 22, 1867.

SIR: On the 20th instant I received from the legation at London a note of the 17th, inclosing me your last telegram, as follows:

"Do not agree to submit question; Congress soon adjourns," and I have taken steps to obtain another interview with Count Frijs and General Raasloff, who are at present out of town.

Since my dispatch, No. 81, of the 12th instant, by appointment of the minister of foreign affairs, I met him and the general on Wednesday, the 17th. At that conference I communicated my readiness to waive the demand for a ratification in August, and it was then verbally agreed that all the material differences and questions were disposed of, except that of a vote in the islands.

This matter was discussed at length and in detail, as to whether it should be done at all; if so, whether it should be provided for in the treaty, and what classes of men should vote. I insisted upon all the views affecting this subject expressed in my dispatch No. 81, and in addition some others touching the general merits of such a proceeding and its effects upon the attitude of Denmark in the negotiation, her ultimate power over the subject, and the temptations to outside intrigue and interference. I do not think I am mistaken in the opinion that these observations had some good effect; still the position was not abandoned.

The meeting was adjourned with the understanding that we should have another

interview this week, and that in the meantime they should consider whether the Danish cabinet could find it possible to dispense with this condition: and if not, that they should submit to me the definite form in which they would propose to put it, with the view of enabling me to determine whether I could in any event accept it, which I did not intimate would ever be done. I was distinctly assured that they would not insist upon it except for the supposed bad effect of a contrary course upon the Schleswig negotiation and question.

They seemed to appreciate the observation I urged, outside of its relations to that question, against putting such a clause in the treaty, but observed that on the other hand the Government would hesitate, if the vote must be taken, to put itself in the attitude of negotiating a treaty positively and then making its ratification depend upon a condition or event not provided for in the treaty.

This is a point that certainly demands their careful consideration; and its suggestion leads me to hope that if they will now treat with the vote excluded, they may abandon the idea of taking it independently of the treaty.

I conclude that the course now before me is to propose at the next interview to negotiate the treaty unconditionally. This will leave it for them to consider whether the Danish Government shall take the vote of its own motion and for its own information. I very earnestly hope, and have good reason to think, that this will not break the negotiation: yet it is possible that it may, or at least suspend it until the Schleswig question takes a more definite and hopeful form.

There is a delay in the progress of the negotiation which I had not expected, and which does not seem to me to be entirely necessary; but I do not think it is induced by any uncandid design or intention. I have supposed it possible that they would delay it as much as could be made to appear legitimate, with the hope that in the meantime their other foreign relations would take such a turn as would enable them promptly to abandon the idea of a vote.

I am, sir, very respectfully, your obedient servant,

GEORGE H. YEAMAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Seward to Mr. Yeaman.

No. 48.]

DEPARTMENT OF STATE,
Washington, August 7, 1867.

SIR: Your dispatches of the 12th of July, No. 81, and the 22d of July, No. 84, have been received.

You have correctly understood the telegraphic instructions to which you refer. The course of proceeding you have indicated in your dispatch No. 84 is approved.

You are authorized to say that, in the opinion of this Department, promptness in the pending negotiation is essential to its success and the acceptance of its results.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE H. YEAMAN, Esq., etc., *Copenhagen.*

Mr. Yeaman to Mr. Seward.

No. 88.]

LEGATION OF THE UNITED STATES,
Copenhagen, August 8, 1867.

SIR: Referring to the negotiations pending here, I have the honor to inform you that on the 24th of last month, in pursuance of the course indicated in my dispatch No. 84, I communicated to General Raasloff, Count Frijs not being in town, the fact that under your last instructions I could not agree to submit the question of cession to the islands, and proposed and announced myself in constant readiness to negotiate a treaty without that clause.

On the 28th July I received from him, General Raasloff, a private unofficial note, written from his country residence, from which I make the following extract: "The negotiation is being looked after, although the information that the session of Congress would be a very short one renders haste less necessary. Allow me, however, to suggest to you that you try to find out your Government's intentions in regard to the third place—intentions which it is important to us to know."

On the first of this month, at usual conference day, I brought the matter again to the notice of Count Frijs. I repeated to him the substance of my instructions, and suggested that there was not more than enough time left between this and the October sessions of Congress and the Rigsdag to complete the matter and get it to Washington. Without alluding to Santa Cruz, he said the vote was the difficulty in the case; that he wanted to have another discussion with his colleagues of the cabinet, and hoped to ask to see me upon the subject again very soon.

Yesterday General Raasloff called at my house again, and said it seemed that the vote could not be avoided. I observed that if that was a clear and distinct conclusion, then we would negotiate the treaty with no reference to the vote, for I could not put it in, which would leave it a matter to be considered and done by the Danish Government, and took occasion again to urge that if they really intended to send a commissioner to the islands to take the vote, there was no more than time left to complete the whole transaction and have the treaty ready for the December session of Congress and the Rigsdag, the indications now being, in both countries, that the respective sessions will be postponed until December. He said the matter should be urged, and again mentioned the proposition for Santa Cruz, saying they desired to know what would be the action of my Government upon the subject; and that his Government supposed that the whole proposition was or would be accepted as made, keeping the transactions separate; but that the present negotiation for the two islands only was urged forward for reasons of utility to the United States. I told him I had no indication on the subject, except the telegraphic order under which I was acting, and felt a difficulty in making any inquiry about the other, especially if it was to appear as being made on my own motion; but that if I might say that the Danish Government desired to know the conclusion of my own Government upon that branch of the proposition, I would cheerfully make the inquiry. He said that was just what he desired me to do. To-day, at my weekly conference with Count Frijs, he expressed the same desire to know the decision in reference to Santa Cruz, and proposes a special interview upon the whole matter this week.

After conference hour to-day, I received another note from General Raasloff, dated this morning, from which I make the following extract:

"I beg to reiterate what I said to you yesterday, viz, that we consider our counter proposition as having been accepted by the United States Government as a whole, although the telegraphic answer mentions only that part of it which can and will be immediately acted upon. It would be well, however, to have that point also settled between us. We shall on the first point act speedily as soon as we shall be properly prepared. I shall soon call upon you again."

I have preferred merely to state these facts in the form of a narrative. Without expressing any opinion of what the Government should do in the matter of Santa Cruz, I feel at liberty to say that if the Government ever intends to buy it at the price suggested, or thinks it worth the amount, it would greatly facilitate the pending negotiation to make that fact known. This is quite clear to me.

Yesterday a telegram from Hamburg appeared in the Copenhagen papers, stating that the last mails from the West Indies brought the information that at St. Thomas the rumor was prevalent that _____, of the United States, was now in Europe to buy the Danish islands. To-day, in the ante-chamber at the foreign office, my Spanish and French colleagues immediately asked me about it; and in my interview with Count Frijs he told me they had demanded of him to know if it was true. He tells me he replied that he had understood that Mr. _____ had passed through Copenhagen several weeks ago, but that he had not seen him and knew nothing of his business. Fortunately this was the case. This occurrence is no more than I have been constantly expecting, and have wondered that it did not happen sooner. * * *

I am, sir, very respectfully, your obedient servant,

GEORGE H. YEAMAN.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Yeaman to Mr. Seward.

[Extract.]

No. 92.]

LEGATION OF THE UNITED STATES,
Copenhagen, August 17, 1867.

SIR: Last Saturday, the 10th instant, at an interview appointed by Count Frijs, he expressed his preference that, without agreeing in the treaty to submit the ques-

tion of cession to a vote of the people of the islands in such form as to make the vote decisive as a condition, yet to allude to it in such manner as to show the fact of the intention of the Government of Denmark to take the vote.

I declined to agree to this, upon the ground that any such reference or statement in the treaty might be construed as an agreement to submit. He thought it could be so worded as to avoid that construction, and very much prefers its insertion for political and diplomatic reasons, and asked me if I would take it ad referendum. I agreed to do so, but again urged the necessity of so conducting the negotiation as to have all things accomplished and the treaty ready for submission at both capitals in December, and that, for the sake of certainty and dispatch, I would much prefer to have, as nearly as possible, the exact form of words in which he would propose to insert it, so that I could submit a definite question. He then proposed to have that ready by the next Saturday (to-day).

To-day I called at the appointed hour, but, instead of meeting him and General Raasloff alone, I was informed by them, at a side interview, that they were engaged in full cabinet meeting, discussing a ministerial crisis. The count stated that he had not been able to give the attention to the matter which he had expected, and asked to fix next Saturday to submit to me the form he will propose.

General Raasloff informs me that he has recently conversed with an officer from St. Thomas, and learns from him, without in any way indicating the negotiation, that the people are discussing the subject of annexation, and are very well inclined to it, and that indeed the most of them look upon it as a foregone conclusion.

In view of the fact that this Government will probably order the vote to be taken, I would be obliged for your opinion of the views I expressed in my No. 81, of 12th of July, last paragraph, in relation to who shall vote.

* * * * *

I am, sir, very respectfully, your obedient servant,

GEORGE H. YEAMAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Yeaman to Mr. Seward.

No. 96.]

LEGATION OF THE UNITED STATES,
Copenhagen, August 29, 1867.

SIR: I have the honor to state that on the 27th instant I received your dispatch No. 48, of the 7th instant, and the same day read to General Raasloff the last paragraph, in which you authorize me to express the opinion of the Department in regard to the necessity and advantage of promptness. He replied that as soon as the cabinet crisis was through, which he then thought would be within a week (and further thought the King would yield), and as soon as Count Frijs had been to celebrate the marriage of his daughter on his estate in Jutland, the 15th of September, there would be nothing in the way of work.

I intended also to read that part of the dispatch to Count Frijs at weekly conference to-day, but yesterday evening received notice that the diplomatic corps would not be received to-day, and the same evening General Raasloff called again and explained that the cabinet resignation mentioned in my No. 94 had been handed in since he saw me the day before, which he supposed was the reason Count Frijs declines any further diplomatic interviews until the question of the formation of a new government is determined. I am now inclined to think this movement has been in some measure foreseen for several weeks, and has been another reason, beside the Schleswig question, that has prevented me from making any more satisfactory progress. I am confident of ultimate success if the present ministry remain in office. If another government is formed it is impossible to tell what would be their opinion of the measure.

The Prussian minister has just handed in another note on the Schleswig question. I am not advised specifically of its contents, but am assured that it can not be considered as effecting any real progress in the affair.

I am, sir, very respectfully, your obedient servant,

GEORGE H. YEAMAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Yeaman to Mr. Seward.

[Extract.]

No. 97.]

LEGATION OF THE UNITED STATES,
Copenhagen, September 2, 1867.

SIR: I have the honor herewith to inclose a translation of an article which recently appeared in the editorial columns of the *Faderlandet*, a leading journal of Copenhagen, in regard to the reported negotiation for cession of the Danish West Indies to the United States.

* * * * *

I am, sir, very respectfully, your obedient servant.

GEORGE H. YEAMAN.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington.

—
[From *Faderlandet*.]

OUR WEST INDIAN ISLANDS.

COPENHAGEN, August 29, 1867.

The Government of the United States has for many years wished to get in possession of one of the Antilles. The desire has become stronger and stronger, and the events of the last year have rendered it almost necessary for the United States to fulfill the wish. In order to command entirely the Gulf of Mexico, which is the earnest intention of the United States, it is necessary to have a military port in the West Indies.

The Government in Washington is fully aware of this, and will no doubt neglect no opportunity to acquire by fair means or by force what it so earnestly desires. Now it so happens that out of all the Antilles there is none which suits so much the American view as the islands belonging to Denmark. The geographical situation is most decidedly happy, which has been proved by the circumstance that St. Thomas has been the central station for all the steamboats crossing these seas, whether from east to west or from north to south. St. Croix is situated about 40 miles south of St. Thomas, and suits, perhaps, still better the American object than the first mentioned.

The harbor of Christiansted may, by some art, be made into a better port than even that of St. Thomas.

The extent of the islands is also very suitable; they are neither too small nor so great that they, like Cuba, Santo Domingo, or Porto Rico, might disagree with the principal object of the Americans, namely, the possession of a military port.

The political relations tend in the same way. The Spanish islands are too good "milk cows" for the Spaniards to be willing to dispose of them. There can be no question of the French. The American can not use the Swedish or the Dutch ones. The English own a couple of islands, very suitable, certainly, to the object of the Americans, and the author of these lines would not at all be amazed that Great Britain might once, for the sake of the so much beloved peace, and besides a good round sum of money, offer one of them to Brother Jonathan; but at present America does not like to allow its elder brother money, but reserves one upon a time to take them all by force.

Such are the facts. It is possible that the Danish Government has not bestowed upon them the necessary attention, but it possesses in every case in the minister of war a man who not only knows the wishes and objects of the American Government, but also all that concerns our West Indian islands.

According to all these facts, nobody at home will be astonished to hear that the letters lately received from the West Indies almost all speak of the possibility of the islands being sold to the United States. The matter seems originating in the American Senator's visit to the islands last summer. But, independent of this visit, perhaps entirely fortuitous, one has been used, on account of the wish, openly pronounced by the American Government, to consider the possibility we here allude to as likely to such a degree that the question is continually starting. During the war with the Confederate States, American men-of-war were almost continually lying in the harbor of St. Thomas, to take care of the blockade breakers from Liverpool. Since the end of the war, no change in this regard has taken place; there are more men-of-war there, and they stop there for a longer time. The islands have become the main station for the American "cruisers" in these

seas, and a touching place for those bound for South America and the Pacific Ocean. On Mr. Seward, the State Secretary, visiting these islands two years ago, this visit was immediately set in connection with the approaching sale; and it appears so natural to the inhabitants of the island that this sale will be effected, that the smallest event is sufficient to agitate the minds and start the question anew.

This matter has been spoken of in almost all European newspapers, and with so much precision that the rumor has been half officially contradicted by the official *Berlings Tidende* not many months ago. But the fact has never, for what I know to the contrary, been discussed in the Danish press, although the object appears quite natural. First, it is due to the islands openly to let them know how the matter is looked upon in the mother country, that they may know if they are bought or sold, as the saying is. Secondly, the matter is of such importance that it deserves all due consideration. I am not unconscious that it must jar much upon Danish ears to start the question of further giving up of Danish territory, but the mere feeling can not here be decisive; if the discussion lead to the result that it must be considered as profitable to Denmark to make such a step, it appears to me that it ought to be made, if a favorable opportunity offers. If Denmark, by the sale of the West Indian colonies, might obtain an increase of power to resist its arch enemy and confirm the confidence of its friends, I can nevertheless fancy a decisive reason that could prevent the Government from making such a step if it proved unjust to the inhabitants of the islands.

The sale ought to be made with fair conscience. It must be proved how far that is possible. The proof does not appear difficult to me, though a regard, on account of the peculiar situation of the islands, ought to be taken to the composition of the population. The greatest difficulty might arise with regard to the colored part of the population, which is in great majority on all three islands, especially on St. John and St. Croix, where the inhabitants are mere agriculturists.

The Danish Government, which of all European governments first abolished the slave trade, have always with a rare humanity taken care of the slaves, and next of the emancipated.

A working population has grown up under its fatherly care on the islands, whose material condition is so favorable that it would be difficult to find the like either in Europe or anywhere else. Even before the slave emancipation not a little had been done by the Danish Government for the mental development of the population, by the establishing of regular schools.

The welfare of this working population—would it suffer any essential injury by the possible sale of the islands to the United States? As matters are now going on in America I do believe that Denmark, without any fear of committing any wrong to that part of its inhabitants, may transmit their future welfare to the care of the American Government. The public opinion in America would no more than in Denmark allow any wrong to be done to the colored population.

But care ought not to be taken alone of the working class. In consequence of the anterior slavery, one has been too much inclined, as well in Europe as in North America, to take exclusive care of the working classes and their welfare. Now, as this must be considered as entirely secured, it will not be superfluous to pay attention to what regards the planters. There is not the least chance of believing that the old oligarchy will revive in any way, either direct or indirect.

The present planters belong to a very different class from the earlier. They are people who are, to me, to the islands as mere working people; that is to say, overseers shortly before or shortly after the emancipation. By dint of labor and economy they succeeded in buying the properties, as their value was diminished in an almost incredible manner. There is almost no trace left of the earlier class of planters, who might properly be compared to our great estate holders. A rich planter may exceptionally be met with, but very rarely.

How would the sale of our Indian islands to the United States affect the interest of this class of the population? There can be no doubt but that it would prove very advantageous to them. That of which the islands, in an economical point of view, are most in need of is an increase of strength to work. The planters have been obliged to import, at great expense, laborers from Calcutta for rather short time, and with the obligations of bringing them back. This fact is in itself enough to show how high must be the wages for laborers and how little chance there is of fear of a too great increase of the strength to work. The fact is that the islands are capable of nourishing a population of workmen almost the double of the present. This want of strength to work, of which the production of the islands is now suffering, can only be remedied by an emigration of laborers from the United States, and it is very likely that such would take place if the islands were sold.

The other great want of the islands is capital. The discount of the islands being

at 9 per cent serves best to show how great is the want. The law establishing 6 per cent rendered matters still worse. It is within a very small compass—and the conditions are often pretty hard—that the islands are provided with capital from the mother country. The cause is obvious; we can not spare money from our own enterprises. This want would also be relieved if the islands were disposed of to the United States. Not that great capital would be poured into the islands from North America, but it would follow naturally from a greater increase of welfare, the necessary consequence of cheaper work, provided the augmentation of the working classes would take place, and besides the more advantageous market the islands would find in America for their productions. Under the supposition that their productions were brought duty free into the United States, the planters would, as long as the heavy duty of importation on sugar continues there, obtain almost double the price compared to what they do now. There is no chance of believing that America would, as Denmark does now, treat the islands as a foreign country in regard of the duty of importation on sugar.

The islands would undoubtedly be incorporated in the United States. The islands bear, as is well known, all their expenses. The expenses are very great, in consequence of maintaining a pretty strong military force—very great. The taxation of St. Croix is heavy. These expenses would cease in the case that one of the islands was made into an American military port. As to the planters and other proprietors of the islands, among whom many belong to the colored population, it seems that the sale of the islands to the United States, far from being pernicious, must rather be advantageous to them. Another circumstance ought still to be taken in consideration, that among the inhabitants of the islands there is but a small number of such Danes whose mother language is Danish. With the exception of the military force and the employers there are scarcely two hundred.

The islands have never been colonized. They were bought after their colonization had been effected. Certainly the inhabitants are bound to Denmark with ties such as a humane and mild government alone can form, but it is not the tie of blood. Let the sorrow of the inhabitants in the first moment of separation be ever so bitter, I believe that time will soon heal the wound.

Reasons against the sale of the islands to the United States have been produced in regard to England and France. As to England the sale may, perhaps, be disagreeable, but I do not find the least reason that any respect should be had to that country. Our understanding with France is very different. Regards ought certainly to be taken to the latter country, provided they be not carried so far that they might be pernicious to us. I do not believe it would be difficult to prove the convenience to the Imperial Government, not only from a Danish point of view, but also from a French. Regards to France ought only to be taken, as far as we obtain from that country the help we count upon in what regards our self-existence; but I feel convinced that this help will be obtained with as much more facility as we are stronger. In the like manner, as we increase our own strength do we increase the minds of our friends to help us. By selling to the United States our islands against a good sum of money, Denmark can augment very much its military force, especially its ironclad fleet.

I presuppose, as a matter known to all the readers, that Denmark does not draw any immediate profit of its colonies; Government does not collect any revenue; they consume themselves all the taxes.

Mr. Yeaman to Mr. Seward.

No. 98.]

LEGATION OF THE UNITED STATES,
Copenhagen, September 5, 1867.

SIR: It was my intention to read to Count Frijs to-day at conference the last paragraph of your dispatch, No. 48, of the 7th August, in relation to promptness in the pending negotiation; but yesterday evening it was announced there would be no conference with the diplomatic corps to-day, and on calling at the foreign office to ask for a special interview with the minister, I learn he is not in town.

I have had an interview to-day with General Raasloff, who asked me to call at his house. He assures me, and says I may assure you, that the matter will be closed in time for the December session of Congress and the Rigsdag, and that Count Frijs told him before leaving town to proceed with the arrangement of details as far as it can now be done, and that on his return from Jutland the matter should be brought to a close.

The general informs me that another Copenhagen journal has commenced the discussion of the cession. He thinks this public discussion is in some things to be

regretted, but in some other respects will be advantageous, and says he should have preferred that it had not occurred, but that its effect is not all bad. I think I can discover that he regards it as a cause for a little more speed in the matter.

I yesterday received from you a telegram in cipher, but having neither cipher nor key I am unable to read it. The cipher and key may have been mailed to me and may not yet have arrived, but supposing it also possible that the telegram was sent through to me by mistake, I have sent it to Mr. Adams for translation; rather a slow and circuitous method.

General Raasloff and Count Frijs feel much interest in knowing the determination of the Government in regard to Santa Cruz. I think they in some degree regret having separated them as propositions, though as negotiations they had to be, and are now acting under a sense of honorable obligation to go forward with the present affair. But clearly they expected, and now much desire, the whole proposition to be accepted, and acting de nouveau would not now make the proposition in its present form. They think, and no doubt with much reason, that their relations, or rather the relations of the Government with the islanders, with the people here, with the Rigsdag, and with France, can be more successfully managed by making the cession entire. I feel no hesitation in saying that their views about the vote, and their activity in procuring a ratification here, and their earnestness and decision in resisting any foreign representations, would be sensibly and favorably affected by our accepting Santa Cruz. Of course I can express such an opinion only in the utmost confidence. We have reached a stage where failure would be positively painful. And I may say that, since I am better acquainted with the quality of the harbor in Santa Cruz, my estimate of the value of the island to us is materially altered.

I am, sir, very respectfully, your obedient servant,

GEORGE H. YEAMAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Yeaman to Mr. Seward.

[Extract.]

No. 100.]

LEGATION OF THE UNITED STATES,
Copenhagen, September 7, 1867.

SIR: * * * * * *

Recently, La Presse, of Paris, published a telegram from Berlin asserting that the United States had offered Denmark \$8,000,000 for the Danish West Indies; and yesterday the Folkets Avis, of Copenhagen, noticing the telegram, published an elaborate editorial comment, the tenor of which is, that the true policy of Denmark is to sell, but the writer supposes that European governments would not permit a sale to the United States. This is the third paper of this city which has discussed the matter at length. The Dagbladet, the principal liberal journal, has not yet spoken. I can not but regard the whole discussion as premature and injurious.

I am, sir, very respectfully, your obedient servant,

GEORGE H. YEAMAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Yeaman.

No. 60.]

DEPARTMENT OF STATE,
Washington, September 23, 1867.

SIR: I have the honor to acknowledge the receipt of your dispatches of the 5th of September, No. 98, and of the 7th of September, No. 100.

In regard to the notoriety which the negotiation to which you refer has attained, it is necessary to remember that the habits and practice of republican government always render even a temporary silence concerning important measures of policy suspicious and generally impossible. The press of all civilized nations, now universally employing the agency of the telegraph, has unavoidably and properly become a combination of great power, and is always more active in procuring

facts which are involved in any uncertainty or mystery than in disseminating authentic information about which there is no effort at concealment. The difficulty which it was foreseen would attend the preservation of confidence between the two Governments in regard to the negotiations has been one of the strongest motives upon our part for urging speedy decision upon the Government of Denmark.

As the case stands, it seems to me now more extraordinary that so little of the negotiations has transpired, than it is that our proceedings have not remained altogether confidential.

You mention in your No. 98, that you have reason to believe that the Danish Government now regret their having dissevered the proposition, by assenting to sell St. Thomas and St. John, with the reservation of Santa Cruz. You inform me further that in your opinion the Danish Government would now much desire that their own proposition for the sale of the three islands should be reinstated and accepted. You assign the reason upon which this opinion is founded, namely, that the relations of the Government with the inhabitants of the islands, with the people of Denmark, with the legislature of that country, and with France, could be more successfully managed by making a cession of all, than by a cession of the two islands of St. Thomas and St. John. Impressed with this opinion, you imply rather than express a recommendation that we shall open the question and accept the cession of the three islands upon the Danish terms.

The President has at no time entertained a doubt that the division of our original proposition, so as to exclude Santa Cruz from the negotiation, would prove a hindrance in Denmark. He remains of the opinion that our proposition was well conceived, having reference to our situation at the time it was made. Circumstances, however, seem now to have changed. I leave out of view parallel negotiations in other quarters. In the purchase of Russian America we have invested a considerable capital and incurred the necessity of a large expenditure. The desire for the acquisition of foreign territory has sensibly abated. The delays which have attended the negotiation, notwithstanding our urgency, have contributed to still further alleviate the national desire for enlargement of territory. In short, we have already come to value dollars more, and dominion less.

Under these circumstances it would be more difficult now than it has heretofore been to accept the three islands at the price which is set upon them by the Government of Denmark. The best we could do now would be to accept the two upon the terms which seem to have been agreed upon. I do not hesitate to say that procrastination of the negotiation even for those two islands may wear out the popular desire for even that measure of partial acquisition.

The Danish negotiators have asked us to consider that the habits of Denmark are slow. Surely the statesmen of that country can well understand that, on the contrary, in the United States all political movements necessarily require vigor and promptitude.

This long communication explains at large my brief telegraphic dispatch which you received on the 4th instant, and were then unable to determine for want of cipher, but which cipher, it is presumed, has already reached you, or will reach you before this paper shall come to your hands.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE H. YEAMAN, etc., *Copenhagen.*

Mr. Yeaman to Mr. Seward.

[Extract.]

No. 104.]

LEGATION OF THE UNITED STATES,
Copenhagen, September 27, 1867.

SIR:

The Danish Government manifests renewed anxiety to learn what will be the ultimate action in regard to Santa Cruz.

The Danish negotiators insist upon inserting in the convention a clause to the following effect: "It is, however, understood and agreed that His Majesty the King of Denmark, before proceeding to the ratification of this convention, reserves to himself to give to the native population of the above-named islands an opportunity of expressing their adhesion to this cession" (or, their wishes in regard to this cession). They consider this as an invitation to the people to affirm the cession, and not as a condition precedent, or a negative power, over the subject. They deem it a proper deference to modern European custom, and necessary in

the present attitude of their other foreign relations. I am not able to express any decided opinion whether the negotiation can be concluded without it. I have urged against it every possible argument and consideration, and so far without avail.

For Article III of the draft you have furnished me they propose to substitute the following:

"The inhabitants of the ceded islands may, at their choice, preserve their nationality, or, if they prefer it, be admitted to the enjoyment of all the rights, privileges, and immunities of citizens of the United States, and they shall be maintained and protected in the full exercise of their liberty, their right of property, and their religion."

I have not been able to discover any means by which I can materially hasten the progress of this business.

General Raasloff now speaks of going to the islands as commissioner to take the vote, and of returning to Europe by the way of Washington.

I am, sir, very respectfully, your obedient servant,

GEORGE H. YEAMAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Yeaman.

[Confidential.]

No. 61.]

DEPARTMENT OF STATE,
Washington, September 28, 1867.

SIR: Please say to General Raasloff that I have received his note of the 10th instant. I reply through the legation only because a question might hereafter arise concerning the propriety of discussing directly with a member of the Danish Government a question which is in negotiation between the two countries. I write, however, in this form as fully and as frankly as if I were writing directly and confidentially to General Raasloff.

We can not now modify our previous instructions without putting the negotiations in great jeopardy. Procrastination has abated an interest which was at its height when we came successfully out of a severe civil war. No absolute need for a naval station in the West Indies is now experienced. Nations are prone to postpone provision for distant contingencies. Besides, other and cheaper projects are widely regarded as feasible and equally or more advantageous. If with reference to the present negotiation for the two islands it is necessary or convenient to the Danish Government that there shall at the same time be pending a question of an ultimate transfer of a third island, let the Danish Government send us a protocol through your legation, to be dealt with as, on consultation, we shall find practicable and expedient.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE H. YEAMAN, Esq., etc., *Copenhagen.*

Mr. Yeaman to Mr. Seward.

No. 106.]

LEGATION OF THE UNITED STATES,
Copenhagen, October 1, 1867.

SIR: I have the honor herewith to inclose a confidential note of this date, just received from General Raasloff, which speaks for itself. His suggestion is interesting in itself and in its relations to the negotiation. He, of course, understands that the United States will not send an agent to take any official part in conducting the election; but for suggestion and friendly influence and cooperation the measure would be beneficial.

The memorandum from me to which he alludes was an informal draft of a substitute for Article III. If the language and form are changed, the article will be left in substantial conformity with your instructions to me in your dispatch No. 38.

I am, sir, very respectfully, your obedient servant,

GEORGE H. YEAMAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

HELLEBECK, *October 1, 1867.*

MY DEAR SIR: I shall send you this note the moment I arrive in town, which will be a little after 2 p. m.

I feel confident that we shall be able to sign the convention in a week or so (if we can agree, which I hope), and that a commissioner will then be sent immediately from here to the West Indies. Let me, therefore, suggest to you that you write by this mail and request Mr. Seward to cause ships of war to be sent at once to the same place, and an agent or agents properly provided with instructions and all that may be useful to assist the Danish commissioner in his work, and to do whatever else circumstances may require.

I think it is necessary that this should be done at once, because, once the convention signed here, time will be scarce and action must be had without delay.

I will call at your house in the evening, probably after having seen Count Frijs, and will then give you my opinion about the memorandum you sent me on Saturday.

Very truly, yours,

W. RAASLOFF.

His Excellency Hon. GEORGE H. YEAMAN,
Minister Resident United States, Copenhagen.

Mr. Yeaman to Mr. Seward.

No. 107.]

LEGATION OF THE UNITED STATES,
Copenhagen, October 3, 1867.

SIR: Yesterday, at the request of Count Frijs, I had another interview with him in regard to the pending negotiation. He assured me that he very much desires the accomplishment of the cession; that he fully appreciates its importance to the United States, its financial advantages to Denmark, and its political advantages in cementing the friendship between the United States and Denmark, and which he thought material. But he observed that the most important and vital question now pending in the foreign relations of Denmark was that concerning the retrocession of the Danish or north portions of Schleswig by a fair execution of the fifth article of the treaty of Prague; and that, however great to Denmark might be the advantage of a cession of the Danish West Indies, it could not possibly outweigh the disadvantages that would result from doing anything that would injure the position of Denmark in the Schleswig affair by weakening her claim to a vote in Schleswig, or by lessening the moral force of a popular expression. For these reasons he found it necessary not only to ask the approbation of the people of the islands, but also equally necessary that their consent or approval should be referred to in the treaty, though not agreed upon as a condition precedent. It is to be, in his language, "unilateral," but he regards it as so indispensable that he can not advise the King to make a treaty without it. General Raasloff would yield the point, and has exerted himself to have it yielded by the count, but he seems immovable. I have no doubt of his sincerity, both in desiring to make the cession and in thinking the vote necessary in the present attitude of the relations between Denmark and Prussia.

I have constantly opposed this vote, giving what I thought good reasons for my opposition, especially as to the insertion in the treaty. But I am convinced, by information from the islands, and the tendency of public sentiment here, that the annexation would be voted willingly and by a very large majority. And whether the people would vote thus or not, the point now is—and this is the only way to get the islands—and we had better get them that way than not at all—had we better risk an unfavorable vote than to refuse to negotiate on account of the vote. I am sure you will not deem it amiss in me to express my opinion thus freely. Yesterday I sent you by cable the following telegram in cipher:

"Denmark quite ready to conclude, if vote mentioned in treaty. Considers favorable vote sure. Desires explicit acceptance of Santa Cruz." —

Without repeating the suggestions and argument of former dispatches, I would not deem my duty fully discharged without again impressing upon you my opinion of the favorable effect it would have here if you could express the intention of the Government to accept the offer of Santa Cruz.

I am, sir, very respectfully, your obedient servant,

GEORGE H. YEAMAN.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Yeaman to Mr. Seward.

[Extract.]

No. 108.]

LEGATION OF THE UNITED STATES,
Copenhagen, October 7, 1867.

SIR: * * * Saturday, the 5th instant, I received from you a telegram, which I translate as follows:

"No condition of vote in treaty. If Denmark wants to negotiate for Santa Cruz by separate treaty, send draft here for consideration."

Upon the receipt of this I promptly advised Count Frijs and General Raasloff that I proposed at once to close the treaty by inserting a clause simply stating the fact that the King would afford the people an opportunity of freely expressing their approbation of the cession.

After my dispatch 107, of the 3d. and my hasty private notes of 3d and 4th instant, inclosing note from General Raasloff, I learned that the interviews of the French minister had assumed a more serious aspect, and that Count Frijs was really astonished that the British and Spanish ministers had not approached him, and expected their remonstrances daily. I then sent you the following telegram in cipher:

"France knows our offer, and remonstrates. Denmark expects other remonstrances. Prompt action desirable. Vote in treaty indispensable."

* * * * *

I am, very respectfully, your obedient servant,

GEORGE H. YEAMAN.

HON. WILLIAM H. SEWARD,
Secretary of State.

Mr. Yeaman to Mr. Seward.

No. 110.]

COPENHAGEN, October 15, 1867.

SIR: When General Raasloff said I might telegraph that Denmark was quite ready to conclude if the vote was mentioned in the treaty, he no doubt thought so, and so did Count Frijs; but with other members of the cabinet, especially the minister of finance, the minister of the interior, and the under secretary for foreign affairs, I seem to be negotiating consecutively with six men instead of two. I have concluded it is time to bring this state of affairs to an end, and therefore I yesterday addressed to General Raasloff a semiofficial note, of which I have now the honor to inclose a copy. It will explain to you a part only of the innumerable difficulties that are met with at every step of the negotiation. For weeks past it has been the subject of uninterrupted labor, thought, and anxiety and of interviews far too numerous to keep any record of them.

In handing this note to the General yesterday, I took occasion to observe to him that it appeared to me that some of his colleagues were under the impression that the United States wanted the islands so much that they would accept them on any terms whatever, and that if he wanted the negotiations to be successful he had better promptly relieve them of that delusion. You will appreciate my reasons for addressing such a note to him, owing to the part he bears in the negotiations, and from the fact that these propositions are sent to me through him and not in an official note from Count Frijs.

I have a private note from the General to-day, saying he had already made good use of my letter and hoped to do still more with it.

I have just this moment received your confidential dispatch No. 61, and will deliver your message to the General this evening. He has sent me word that he wishes to send you a letter in my next mail.

I am, very respectfully, your obedient servant,

GEORGE H. YEAMAN.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington.

*Mr. Yeaman to General Raasloff.*LEGATION OF THE UNITED STATES,
Copenhagen, October 14, 1867.

DEAR SIR: I herewith inclose, at your request, a draft of such articles as we have discussed and about which there has been some difference of opinion, putting

them substantially in the form which I am now willing to sign. I have not deemed it necessary to write the whole treaty, as suggested, as much of it is formal and well understood. I am pressed for time, and my penmanship is not fit for such a document.

I address you this note not so much for your own consideration as to enable you to express distinctly and clearly to your colleagues of the Danish Government my own views of the present attitude of the negotiation. The little time now left to conclude the business, as well as entire candor on my own part, now seem to require this of me. You and I have heretofore substantially agreed upon the stipulations to be inserted in the treaty, and in coming to that agreement I have conceded all that I can concede under my instructions, and I have frankly stated to you my fear that I had even strained them a little.

Now it is proposed to insert several new and extremely important provisions, never before discussed, which might easily become of very grave import—provisions unusual in such a treaty—provisions which my own judgment can not approve, which are directly contrary to my instructions, and which would most assuredly prevent the ratification of the treaty if the President would even consent to submit it. Entertaining this opinion, it would be little short of bad faith in me if I did not at once enable you to advise your colleagues that any further discussion of them would only consume valuable time and lead to no good result.

Recent dispatches and other information received by me indicate quite clearly that, however willing, and even anxious, Mr. Seward and myself might be to conclude this negotiation, the difficulties that may arise after the convention is signed will now be more serious in the United States than in Denmark. Though not directed or authorized to read any particular dispatch to any member of the Danish Government, I will not deem it improper for me to communicate the substance of my information to you and Count Frijs whenever you wish it. In this attitude of the affair every week's delay and every additional condition will only accumulate embarrassments at Washington, and I would not feel that I had discharged my whole duty without expressing this opinion with entire distinctness.

In regard to the proposition to introduce the words "civil persons" (*personnes civiles*) into the treaty, as I observed to you last night, it could only be held by the Government and courts of the United States to mean corporations, sole or aggregate, and by the manner of its proposed introduction could be claimed to embrace their corporate rights, powers, and franchises as well as property and effects. These might prove incompatible with the sovereign control of the United States, or at least with the policy of their commercial and fiscal regulations, and of course the Government will not agree to have a variety of commercial, fiscal, and police regulations. The provision is sufficiently broad by stipulating for the protection of private property and private rights. This covers all real and vested interests. Any franchises enjoyed by civil persons will, no doubt, be continued, in so far as they are consistent with the policy, the laws, and the sovereignty of the United States. But they can not be expected to make an indefinite contract without knowing what it embraces. Whatever privileges have been granted by Denmark, either to Danes or to foreigners, were granted of her grace, and were granted in relation to Danish territory and to Danish populations. They were accepted, and have since been enjoyed, subject to the supreme and well-understood right of Denmark to cede the sovereignty, and such cession is neither a disappointment to them nor bad faith in Denmark. She can not possibly be held to have limited her right of absolute cession. You observe I refer to powers and franchises which could be held to affect the occupation and use of any part of the islands and contiguous waters, and the enjoyment of any peculiar rights of trade, fishing, manufacturing, banking, use of harbors, etc. All property is distinctly protected, and it will make no difference to whom it belongs, whether to a natural or to a legal person.

I readily concede that Denmark shall retain the personal debts that she holds against individuals, and may withdraw any public moneys in the colonial treasury, Denmark at the same time stipulating to liquidate the Government paper currency heretofore put in circulation and any outstanding obligations connected with the measure of emancipation. But any stipulation, as proposed, that Denmark reserves an indefinite "debt" due by the colonial treasury is inadmissible. It is not a debt in any proper sense of the term. It is in substance only an item or an evidence of the cost of former administration in the islands, over receipts. And even if it were a debt properly so called, you will not fail to see the difficulty of making any stipulation about it. The moment the cession is completed there is as to Denmark no colonial treasury; there is no one there to treat with, and no property or population that can be taxed by Denmark for the payment of the debt, so that if the provision meant anything it would be practically an assumption of the debt by the United States. Being reduced to that shape, it hardly needs to be said that the United States could not be expected to assume such a liability.

Finally, as to the proposition that "the United States shall succeed to all the rights and obligations resulting from conventions concluded with foreign powers, and from contracts regularly made by the royal administration for objects of public interest, specially concerning the said islands," there are several insuperable objections.

First. Very much the same course of reasoning applies to this that does to the preservation and continuation of corporate powers and franchises.

Second. The Government of the United States may be entirely ignorant of what these conventions and contracts are, and would not, therefore, enter into an indefinite agreement that might be developed into very inconvenient and unmanageable proportions.

Third. The Government may know just what these stipulations are, and for that reason may be unwilling to take the islands with them, and has, therefore, shaped my instructions and the project of treaty so as to exclude them.

Lastly. Upon this point, the United States will care but little for any rights except that of sovereignty and dominion over the islands, and if they desired to succeed to these rights they could not do so without the consent of the other contracting parties. I speak of all contracts and conventions for anything less than the title or sovereignty over the islands—such contracts and conventions were made by the other parties to them, with Denmark, and with no reference to the United States; they selected the party they would contract with, or confer the right upon, and it is incompetent for Denmark and the United States to agree that the United States shall succeed to these rights without the express consent of the other parties. I refer to executing rights and contracts from which future benefit or advantage might arise. Any right or advantage enjoyed by Denmark by reason of executed contract, and which affects the title or condition of the islands, passes with the cession, without being specified.

You will excuse the great length at which I have expressed these views. I might have simply indicated what course I felt bound to pursue, but I have preferred to give my reasons in detail and without any reservations, in the hope that your esteemed colleagues will see the justice of the views I have expressed, and admit both the necessity and the propriety of leaving all new and difficult questions out of this negotiation.

Very truly, yours,

GEORGE H. YEAMAN.

His Excellency Major-General RAASLOFF,
Minister of War, Copenhagen.

Mr. F. W. Seward to Mr. Yeaman.

[Extract.]

No. 64.]

DEPARTMENT OF STATE,
Washington, October 19, 1867.

SIR: Your dispatches, Nos. 104 and 106, have been received. The suggestion contained in the accompaniment to the latter will be complied with when the Department shall have been definitely informed upon the subject to which it relates.

* * * * *

I am, sir, your obedient servant,

F. W. SEWARD, *Acting Secretary.*

GEORGE H. YEAMAN, Esq.

Mr. Yeaman to Mr. Seward.

[Extract.]

No. 111.]

LEGATION OF THE UNITED STATES,
Copenhagen, October 22, 1867.

SIR: * * * Our negotiation seems to be progressing slowly. Certainly there are enough of labor and time devoted on both sides to accomplish such a transaction. As I am constantly promised a conclusion soon, I will defer for a while a full account of other very interesting questions which the Danish negotiators have offered for consideration since my letter to General Raasloff of the 14th, a copy of

which was inclosed in my dispatch of the 15th. They appear to me to be really desirous of concluding, but to be timid and overnice, and unduly cautious about third powers and certain interests that might be affected by the cession. They have committed the fault of authorizing me to telegraph you that this Government was quite ready to conclude, if we would agree to mention the vote in the treaty, and afterwards discovering they had to perform several laborious researches and discussions. That is an attitude of the affair for which I am in no way responsible, and I am well satisfied that if the negotiation had been left to General Raasloff and myself, the treaty would have been in Washington before now.

I am, sir, very respectfully, your obedient servant,

GEORGE H. YEAMAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Seward to Mr. Yeaman.

No. 66.]

DEPARTMENT OF STATE,
Washington, October 24, 1867.

SIR: I recur to your dispatch No. 106, and to your two letters of the 3d and 4th instant, which have also been received.

Each of the letters is accompanied by a private and sealed communication, addressed by General Raasloff to myself. The burden of the several papers thus received is that my early instructions declining a stipulation to submit to the people of the two islands the question whether they shall be transferred to the United States constitutes a serious and insurmountable barrier to the negotiation on the part of Denmark.

On the 5th of October, one day after the latest date in these communications from Copenhagen, I instructed you by telegraph to waive the objection referred to and consent that a popular vote be taken in the islands at the instance of Denmark.

I have this day reiterated that instruction by telegraph, and have asked you to report progress. It is very desirable that the treaty, if one is concluded, should be submitted to the Senate as early as possible, to the end that if it be ratified, as I trust it will be, Congress may in that case be immediately invited to pass the laws which the transfer of the islands by treaty will have rendered not only necessary but urgent.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE H. YEAMAN, Esq., etc.,
Copenhagen.

Mr. Seward to Mr. Yeaman.

No. 67.]

DEPARTMENT OF STATE,
Washington, October 25, 1867.

SIR: Your dispatch of the 3d instant, No. 107, has been received. In my No. 66 I have reiterated the instruction to yield the question of a popular vote in the two islands. In previous dispatches, which doubtless have reached you before this time, I have explained our position in regard to Santa Cruz. I restate it now: If Denmark desires to negotiate for the sale of Santa Cruz, let her make a distinct and separate offer by formal dispatch.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE H. YEAMAN, Esq., etc.,
Copenhagen.

Mr. Yeaman to Mr. Seward.

No. 112.]

LEGATION OF THE UNITED STATES,
Copenhagen, October 25, 1867.

SIR: I have now the pleasure of inclosing the treaty, which has just been signed by Count Frijs and myself, for the cession to the United States of the Danish

islands St. Thomas and St. John. Hoping it will prove entirely acceptable and satisfactory, I have only to suggest that it must be considered in the light of the fact that it is the best that could be obtained.

Though the treaty will speak for itself, it is proper now to give a résumé of the very constant and active negotiations that have been in progress daily and almost hourly since my dispatch of the 15th. It seems that the difficulties to be overcome have been greater than I ever knew until lately, and greater even than Count Frijs and General Raasloff anticipated, when I was authorized to send my first telegram, and that in truth, instead of being then "quite ready to conclude" if we would put the vote in the treaty, they had only commenced active and earnest work in the negotiation.

There are some reasons for this for which the two principal negotiators on the Danish side can hardly be held responsible. Their colleague, the minister of marine, has proved so violently opposed to it that he goes out of the cabinet in consequence of the treaty. The ministers of finance and of the interior, though willing to accomplish the cession, have been not only cautious but exacting and timid in regard to the duties and the attitude of their own departments of the Government in the affair. Then the director general of the department of foreign affairs (the under or assistant secretary of state), who is a permanent officer, familiar with the records, shrewd and intelligent, is properly much consulted about all important transactions. Though having no vote, he has been entirely opposed to this cession, and I am now well satisfied has sought to discover and even to magnify obstacles. I became so used to the different sorts of propositions that I could tell where each one came from as soon as it was mentioned.

Among the matters offered for consideration during the last days of the negotiation was the fact that France, Spain, Brazil, and the "Empire" of Mexico had executed a joint convention conferring upon a citizen of France, whose name I forgot, but who is said to be a great favorite with the Emperor, certain valuable and exclusive privileges in regard to laying and connecting submarine telegraph cables; that the King of Denmark had been invited to join in the convention by embracing the Danish West Indies in its operation, and had promised to do so, but had not yet signed it; that the Government felt under some obligations in regard to it, and anticipated complaints on the subject, and that the cabinet would like to preserve the best relations with France. I replied that I could not possibly make it the subject of treaty stipulations, and as it seemed to have been in some degree at least connected with the scheme for extending the dominion of the "Latin races" in the Western Hemisphere, it had better be allowed, so far as this matter is concerned, to share the fate of the main enterprise. The matter was zealously pressed by the under secretary, but I gave no encouragement for its discussion by the negotiators.

Another matter which seemed to have more equity was that there had been a "concession" heretofore to a Danish citizen of the exclusive privilege of landing a telegraph cable on the Danish islands, and about which it is alleged he had been to some outlay of time and money, but had not been able to comply with the conditions in point of time, so that the concession had expired by limitation. A renewal had been asked, and the secretary of the interior would not grant it without the advice and consent of the minister for foreign affairs, who would not decide until he had brought the matter to my notice, not wishing to do anything which might be thought to be in the least bad faith. I expressed my appreciation of the course he had pursued, but observed that I was in no condition to form any opinion of the equity of the case; that I could neither make it a basis of the treaty nor give any consent that it should be renewed. I referred to the difficulties about the Spanish land grants made pending negotiations for Florida, and expressed the opinion that the grant would be felt to be an embarrassment at Washington, and that if objected to would not be valid without the approbation of the Congress of the United States. There was some further discussion of the matter, and at one time it seemed that the grant would be renewed with a request for a favorable consideration by the United States, but I am assured it was abandoned.

It seems that soon after the reports reached Europe, in the early part of last year, of your visit to the islands, Lord Russell, then at the head of the cabinet of London, approached the Danish minister in London on the subject, and the result of the interview was a promise by the Danish minister that nothing would be done without first letting the British Government know it. This was naturally felt here to be an embarrassment, but can be avoided, if necessary, upon the ground that such a promise was unauthorized and can not be held to bind the Danish Government.

The proposition that the United States should succeed to all the rights and obligations arising from contracts and from conventions and treaties with other powers was so stoutly insisted upon that I could only dispose of the question by declin-

ing its further consideration, at the same time offering that if any particular engagement or supposed right was submitted to me for reflection I would consider how far it might be assumed, executed, or protected until the parties interested could come to an understanding with the United States. The English and French lines of steamers and their postal facilities were mentioned, but upon research the Danish negotiators concluded that these had been matters of departmental arrangement and administration, not amounting to any national obligation nor vesting any permanent right.

I deemed it right to concede the reservation asked for in regard to debts due the Danish treasury by individuals, such a reservation not being really needed, but is implied, and that concerning the churches in favor of the Lutheran congregations. The only necessity for that was because of the national or legal character of the religion and of the church property. As to any other churches, if there are any, they need no mention, being fully protected. The debts on private individuals occurred by the Government selling estates for taxes or other claims, in which case the Government becomes the owner, under the Danish law, and then selling on installments, retaining a lien for the purchase money.

It was proposed, that in specifying the property which passed, "commercial" property should be excepted, by which they meant those lots and buildings in which the colonial government had a joint interest or a right of occupation and use, such as governor's house, etc. I had to be at some pains to demonstrate that a reservation was not the proper form for them; whatever interest Denmark had would not pass to the United States, but that in that case Denmark might find herself still a joint owner, either with the United States or with the local territorial government, which nobody could desire, they only wishing to save local interests and rights, and that the proper form to put it in was simply to pass all the property and interest of the Crown of Denmark, which was finally accepted.

It was brought to my knowledge that there is in circulation in the islands a limited amount of paper currency issued by the Government, and that some bonds are still held, given by the Government in compensation to the owners of slaves when emancipation was effected, and it was suggested that a commission should be appointed to arrange these matters. I did not deem myself sufficiently informed of the facts and history of these matters to make any intelligent stipulation about them, and preferred to leave them where at last they have to be left, on the national faith and ability to pay them. The claims of the holders are clearly not injured by not being mentioned in the treaty, and any agreement made in the dark might have turned out to their injury. In the end both sides preferred to leave these things out of the convention. The proposition that Denmark did not release any debt held against the colonial treasury, or due by that treasury, was urged with great persistence. It seemed to me so very untenable, not to say preposterous, that I had to decline its further discussion, and let the minister of finance, who was present and insisting upon it, give to my refusal such weight as he thought it deserved in the negotiation.

Then followed the proposition that a joint commission should be appointed to state the balance and account current of the two islands with the home Government, and of the three islands with each other, not stipulating in the clause that either Government was bound to pay any balances found due. I objected that the commission on behalf of the United States, knowing nothing of the business, could render no efficient aid in making the settlement; that Danish officers knew the state of the accounts and could easily render them; that the appointment of joint commissioners must be held to have an object, and the only reasonable purpose could be to find and award a balance for one Government or the other to pay, and that I would put nothing in the treaty that could possibly admit of any such construction. It was insisted on the other side that our Government would have a duty to discharge to its new citizens, in seeing that all old accounts of public matters were correctly rendered and stated; and the impression seemed to be that I was unreasonable in resisting a mere commission. I then proposed, as the only thing I could assent to, that we would borrow from the Russian treaty the provision that the agents for delivery might do whatever else was necessary to effect a transfer; that I would express to my Government my reason for this, which was, that if it was found necessary or desirable by the President or the Department that the accounts should be stated by the agents, it might be done under that clause, and that I would recommend the matter for consideration if the Danish Government desired it to be done, but distinctly rejecting, in all contingencies, the idea that the United States could be in any way bound or be implied to assume any balance found. Having done this, I then also desired to adopt from the Russian treaty the stipulation that "the right of possession shall be deemed complete on the exchange of ratifications, without waiting for such formal delivery," and gave what I thought very sufficient reasons for the proposition in the mutual interests of both parties, which, after some hesitation, was accepted.

The status of the people of the islands has been the subject of much discussion, and of propositions in various forms. It was objected to the article, as prepared in the draft you furnished me, that it was not well adapted to the situation of the people of the islands, because it provided only for their return to Denmark, instead of the general liberty of withdrawal, and, by a natural construction, that they could only retain a Danish allegiance, while there were foreigners in business there from all the commercial countries of Europe; and, further, that the limitation of two years was so shaped as not to mean necessarily that those who remain shall be held to be citizens after two years, and to be liable to the misconception that it was a limit to the time within which removal could be effected. These observations seemed to me to well merit consideration. It was proposed, on the other side, simply to express that the people might either become citizens of the United States or retain their natural allegiance, at their choice, which, they insisted, with much force, was the privilege really accorded to all foreigners going to the United States; and that here we were but acquiring a certain number of foreign population. I insisted that, in a case like this, the form of expression they offered was too general, especially in point of time or duration; that it ought to be plain that we acquired jurisdiction not only over mere territory, but over persons; and that there ought to be a time limited beyond which they would be considered as citizens; for otherwise it might happen that if Denmark, by alliance with some other power, found herself at war with the United States, we would find ourselves in possession of an island full of enemy inhabitants, politically considered. After many propositions on both sides, I suggested the eighth article of the treaty of Guadalupe Hidalgo, which became the basis of the article in the present treaty.

The proposition to insert "civil persons" in the protecting clause was much insisted upon, under the belief that its omission might give rise to the fear that all rights of any corporation, however useful and innocent, were lost or dissolved. I insisted, without conditions, upon the exclusion of the expression "civil persons," upon the ground that it might well be construed to mean corporation possessing semipolitical power, or franchises, and monopolies inconsistent with our policy and laws; but, to avoid any misapprehension, offered to insert the words "private rights," which I thought would cover as much as could be well claimed in such a transfer; and this was accepted.

The second clause of article 5 has been the subject of the most serious and difficult discussion. As framed in the draft furnished me and in the Russian treaty, it was deemed by the other side much too sweeping, and more especially as liable to the construction that it absolutely abrogated and dissolved all previous grants, franchises, possessions, companies, and corporations in any way desiring title or existence from the Government, which would be as unnecessary as unjust. I urged that the expressions and limitations objected to could only be taken with reference to the legal administration and political sovereignty over the "territory and islands" so declared to be free and unencumbered, especially when taken with the provision already agreed to that private rights should be protected. And I referred them to such monopolies and semisovereign corporations as had controlled large regions in America and Asia, and to grants or permits for the coolie trade, with none of which the United States would be encumbered. I was given the most positive and explicit assurance that nothing of the kind existed in the Danish West Indies, and with this assurance they seemed to think the provision was useless, besides being liable to the misconception above named. The question promised to become an irritating one, they constantly proposing to cede the islands in full sovereignty, with nothing more said. There seemed to me some force in their objections; yet, on the other hand, it could be said that if there were no such impediments, where was the harm of excluding them? And their very unwillingness would itself naturally make a negotiator careful to exclude them. Still, seeing the difficulty of the situation, I tried to express the matter in such way as to avoid in great part their objections, and furnish all the safeguard we wanted. They seemed intensely to object to the word "possessions," as striking at all regular legal possessions acquired through government or sovereign grant, and to the word "reservations," as being an intimation of a necessity to guard against reservations by Denmark, when she was offering to cede all she had. They further offered the criticism that to cede away the "privileges" and "franchises" held by government in a given territory of its own dominions was not only superfluous, but that no such thing could be, as privileges and franchises, they thought, were held of or under government, and not by it.

I framed two propositions, one expressing all the exclusions, so far as they affected administration or sovereignty, with a saving of legal rights already vested, and the other as it now stands in the convention, and gave them choice between the two. Somewhat to my own surprise they accepted the form you now observe in the fifth article. Each had some advantages, and I think we may feel

entirely safe with the article as it stands. Indeed, under one construction, not strained or unnatural, it can be held more sweeping than any form could be that undertook to express particular exclusions by name. I should very much regret to know that my conduct in regard to the article did not meet with approval, since the obstacles in the way have been great and my own care in the matter unremitting. The Danish negotiators had asked to see the Russian treaty, which I of course furnished them, and they observed with much point in reference to this article that such a provision might be very appropriate and necessary in a vast wilderness saddled with trapping and fishing monopolies, but be inappropriate to a dense and civilized community with all the various commercial interests in full vigor and motion.

It was intimated to me that Count Frijs would address me a note in regard to several things not protected in the treaty, more especially the two telegraph schemes (which now could not well stand together) and the English and French steamers, stating their attitude toward the Danish Government, and expressing the wish and confidence that the United States would have due regard to them. I have not yet received any such note, and should such a one be yet addressed to me, I will acknowledge its receipt and forward it to you. It was at no time suggested that it would be in the form of a notice or protest, and coming in any form after the treaty is signed, it could not have the force of Mr. Clay's letter to Mr. Pedersen, the Danish minister at Washington, in 1826, in relation to claims against Denmark not provided for in the treaty of that year, that letter being "at and before proceeding to the signature of the treaty."

After it was definitely agreed what the treaty should be, and only a few hours before signing, I received your last telegram. I read the first sentence, "Concede question of vote," which had already been done under previous instructions, and the last sentence, "Can agent go to St. Thomas immediately," which I answered in my telegram of this date. The intervening characters between these two sentences I can not decipher with entire satisfaction, but I judge it did not so materially affect the matter as to require me to defer the signature until I would have the telegram more accurately repeated. Thus ends a long and tedious and, for an apparently simple matter, a very laborious negotiation. I cherish the lively hope that what has been done at Copenhagen may be approved by the people of the islands and by the President and the Senate.

The convention and the dispatch, as also the full power of Count Frijs, will be handed you under one cover by Lieutenant Burhwaldt, of the Danish army, whom I have made bearer of dispatches for that purpose.

I am, sir, very respectfully, your obedient servant,

GEORGE H. YEAMAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Seward to Mr. Hawley.

DEPARTMENT OF STATE,
Washington, October 26, 1867.

SIR: This Government has concluded a treaty with Denmark for a cession of the islands of St. Thomas and St. John, in the Caribbean Sea, belonging to that power. The treaty has not been received here, but it is understood that it contains a stipulation that before the cession shall be absolute the vote of the people of the islands shall be taken upon the proposed change of sovereignty. It is also understood that the Danish Government has sent a commission for the purpose of superintending the taking of that vote. As it is desirable that this Government also should not be entirely without the attendance of a representative there, you are requested to proceed to St. Thomas. You will, however, consider your attendance there as of a character entirely confidential. But this direction will not be construed so literally as to prevent you coming into useful communication with the Danish authorities and any consuls or naval representatives of the United States.

I herewith hand to you extracts of a dispatch written by the United States minister at Copenhagen, which very distinctly indicate the manner in which it is supposed that your agency can be made useful and effective. You are at liberty also to present yourself to the Danish commissioner, whom you will meet at St. Thomas, and you will show him this instruction and also the extracts of Mr. Yeaman's dispatch. In all things you will practice the utmost frankness with him and absolute deference to his judgment and opinions.

It is expected that you will meet Rear-Admiral Palmer, of the United States

Navy, with the ship of war *Susquehannah*, at St. Thomas, who will have instructions similar to your own to cooperate with the Danish commissioner.

It is presumed that you will be at no loss for arguments to show those who may have votes upon the subject the advantages which they would derive from transferring their allegiance to the United States, should they think proper to remain in the islands. The market of this country, even now, is an eligible one for their products. It must become much more so in the event of their annexation. As one of the purposes of this Government in the acquisition is to secure a naval station, the inhabitants of the islands will derive benefits from that, which it is needless to expatiate upon. If, too, they should become a part of the domain of the United States, they and their posterity will have the same right to protection by a powerful government in war and to those advantages in time of peace which are enjoyed by other citizens.

It is not expected that you will stay in the islands longer than may be necessary after the vote referred to shall have been taken. The Department will expect reports from you during your sojourn there.

* * * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

Rev. CHARLES HAWLEY,
Auburn, N. Y.

Mr. Yeaman to Mr. Seward.

No. 114.]

LEGATION OF THE UNITED STATES,
Copenhagen, October 29, 1867.

SIR: I desire to add a word of explanation in regard to the proposition by the Danish cabinet to reserve any debt due by the colonial treasury to the treasury of Denmark, and which was rejected. In my letter to General Raasløff, of the 14th instant, a copy of which I furnished with my dispatch, No. 110, of the 15th instant, I said: "It is in substance only an item or an evidence of the cost of former administration in the islands over receipts."

Upon further inquiry and explanation I was assured that the islands, especially St. Thomas, so far from having been an expense to the home government, has been a source of revenue; that there is an arrangement by which St. Thomas has remitted certain sums regularly by installments, after deducting all expenses of administration, and that it is mainly in respect to these that there is now a balance due for one, there having been no remittance, and for another a remittance by bill having been protested, so that there is now certainly due about 147,000 rigsdalres (say about \$80,850), and contingently, estimating last installment, considerably more than this. As the convention stands, the United States can not be much concerned in knowing the state of the accounts, except that I did not wish to leave the President and the Senate under the erroneous impression that St. Thomas had been a burden to Denmark and was likely to prove such to our Government.

I am, sir, very respectfully, your obedient servant,

GEORGE H. YEAMAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Seward to Mr. Yeaman.

No. 69.]

DEPARTMENT OF STATE,
Washington, October 30, 1867.

SIR: On the 26th day of October your telegram, which announced that the treaty for the cession of the islands of St. Thomas and St. John had been signed and would be immediately sent here, was received.

On the 28th day of October I replied to that dispatch by telegraph in the words, "All right; approved."

I have now to acknowledge the receipt of your dispatch of the 12th instant, No. 109, which was written before your telegram and in expectation of the important event which the telegram announced.

Your dispatch informs me that Mr. Bille will come here as *chargé d'affaires*. He is well known in our diplomatic circle, and I have no doubt that he will prove an agreeable and useful representative of Denmark.

General Raasloff is held in high respect and esteem in the Danish West Indies, and he exercises much influence there. It is, therefore, to be regretted that it is not found compatible with the interests of the Government at Copenhagen that he should be appointed the commissioner to take the vote at St. Thomas. It is not doubted, however, that the gentleman who has been appointed for that purpose will be suitable, agreeable, and efficient.

In accordance with your suggestion, the Rev. Charles Hawley, D. D., has already been appointed by the President to cooperate with the Danish commissioner. He will proceed to St. Thomas in the steamer which leaves New York to-morrow. Instructions have been transmitted to Rear-Admiral Palmer, who commands the North Atlantic Squadron, to proceed with his flagship to St. Thomas and await there the progress of events.

I give you a copy of the instructions which have been forwarded to the agent and the admiral, and, unless you see good objection, you may communicate the same confidentially to Count Frijs.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

Mr. Seward to Mr. Yeaman.

[Confidential.]

No. 70.]

DEPARTMENT OF STATE,
Washington, October 31, 1867.

SIR: Please say to General Raasloff that I have received and submitted to the President his interesting letter of the 15th of October.

You are also at liberty to inform him, as well as Count Frijs, that a confidential agent of this Department and Rear-Admiral Palmer are on their way to cooperate with the Danish commissioner; also that our consuls have been charged with the same duty.

I am, sir, your obedient servant,

WILLIAM H. SEWARD,
Secretary of State.

GEORGE H. YEAMAN, Esq., etc.,
Copenhagen.

Mr. Seward to Mr. Yeaman.

No. 71.]

DEPARTMENT OF STATE,
Washington, October 31, 1867.

SIR: I have to acknowledge the receipt of your dispatch of the 15th of October, No. 110, which gives some interesting details of your recent negotiation for the cession of the islands of St. Thomas and St. John, and is accompanied by a copy of a note which you addressed to General Raasloff on the 14th instant, in connection with that negotiation.

Your more recent advices by telegraph having informed us that the treaty has been concluded, a consideration of preliminary details at this time seems to be unnecessary. I have no hesitation, however, in expressing a general approval of your proceedings and letter to General Raasloff.

I am, sir, your obedient servant,

WILLIAM H. SEWARD,
Secretary of State.

GEORGE H. YEAMAN, Esq., etc.,
Copenhagen.

Letter of Vice-Admiral David D. Porter to the Secretary of State.

UNITED STATES NAVAL ACADEMY,
Annapolis, Md., November 6, 1867.

SIR: St. Thomas, the principal of the Virgin islands, holds the most prominent position in the West Indies as a naval and commercial station. It is situated in latitude 18° 22' north, longitude 65° 26' west, and lies right in the track of all ves-

sels from Europe, Brazil, East Indies, and the Pacific Ocean, bound to the West India islands or to the United States. It is the point where all vessels touch for supplies, when needed, coming from any of the above stations. It is a central point from which any or all of the West India islands can be assailed, while it is impervious to attack from landing parties, and can be fortified to any extent. Nothing can be more beautiful than the town and bay of St. Thomas as seen from the sea, or from the great summit that overlooks them. The bay, at the head of which lies the town of St. Thomas, is almost circular, the entrance being by a neck, guarded by two heavy forts, which, although not capable at present of resisting the heavy ordnance now in use, can be so strengthened and protected that no foreign power could ever hope to take it.

St. Thomas is a small Gibraltar of itself, and could only be attacked by a naval force. There would be no possibility of landing troops there, as the island is surrounded by reefs and breakers, and every point near which a vessel or boat could approach is a natural fortification, and only requires guns, with little labor expended on fortified works. It is true that this island was captured by the British in 1807, while under the charge of the Danish Governor Von Scholten, but there was not a shot fired or any effort made to defend the place. This is the only instance where the island has ever been in the hands of a foreign enemy, and the British would have held it to this day, instead of for seven years, could they have done so without difficulties.

There is no harbor in the West Indies better fitted than St. Thomas for a naval station. Its harbor and that of St. John, and the harbors formed by Water Island, would contain all the vessels of the largest navy in the world, where they would be protected at all times from bad weather and be secure against an enemy.

Gregorie Channel, half a mile to the west of the harbor of St. Thomas, is, if anything, a better harbor than St. Thomas, and inaccessible to any enemy if properly fortified. No enemy's vessel can enter these harbors, for their entrances are so narrow that they can be completely obstructed by heavy chains, against which no ship would venture to run with a number of 15-inch guns firing on her. The harbor of St. John, 8 miles to the east of St. Thomas, is a still better harbor than St. Thomas, and has some advantages not possessed by the latter. It is capable of being thoroughly defended with cannon and chains, and in all these harbors forts of single guns can be built up from height to height in such a manner that the plunging shot would destroy any vessel rash enough to approach within range.

If it ever should be intended to make a great naval depot in the West Indies, St. Thomas offers all the advantages and facilities for making dry docks, coal stations, and arsenals, all under complete protection. Great Krum Bay is a natural dock of itself, with a depth of four and a half fathoms, and an entrance 300 feet in width. It would only require filling up across the mouth and to be pumped out to make a fine basin for the largest-sized ships. The natural resources of the island of St. Thomas are not great, unless it may be in minerals yet undiscovered. Its chief value is as a naval station and a great commercial point. Its small size is in its favor, because it can not sustain an army of any kind, and an enemy could not land anywhere without the reach of guns. The whole area of the island is only 45 square miles; the surface rugged and elevated, and almost devoid of trees, which, having been cut down unsparingly, have laid the island open to the sun, and caused a scarcity in the supply of water. This deficiency is, however, supplied by tanks, which are kept filled at all seasons by the rains. No doubt water could be obtained by sinking artesian wells, as at St. John, for there are several springs flowing out of the rocks.

The distinguishing characteristics of St. Thomas are its advantages as a place of trade, a fact evinced by the great number and large extent of the merchants' stores, the immense piles of merchandise they contain, and the number of vessels of all nations which are lying in the harbor. It is the great center for all the steam lines that run through the West Indies and to Europe and the United States, and is the stopping place of our United States line to Brazil. No stronger proof of its being a central point than this circumstance is needed. A steamer comes in daily, and in St. Thomas, more than any other place in the West Indies, can we know what is going on in the world. Nothing can be more delightful than the society of St. Thomas. Hospitable to a fault, all strangers, particularly Americans, receive the greatest kindness and attention. These hospitalities are on a scale commensurate with the wealth and importance of the inhabitants. There are few more beautiful prospects than the splendid panoramic view from the highest point in the island, where the whole town and bay of St. Thomas is spread out like a map at your feet, and whence vessels at sea can be seen approaching at a distance of 30 miles. This is, in fact, the best lookout in the West Indies.

Nearly all vessels run for the Anegada passage in making the West Indies, and can not pass without being seen from St. Thomas. The following named islands

are in plain sight from St. Thomas in all weather: The verdant island of Santa Cruz and the large island of Porto Rico; also the innumerable small islands of the Virgin group, which make it an enchanting place to cruise in. The trade wind blows throughout the year over the hills and bay of St. Thomas, although it is rather hot in the town in midsummer. The summit is covered with handsome cottages, where those of the inhabitants who can afford it retire for comfort and fresh air. The tropical shrubs which abound in this island are especially beautiful, the gigantic cactus and aloe growing in all the wild freedom of unchecked nature, and everything else luxuriating in the most fantastic conformations, forming a scene of much novelty and beauty to a stranger.

There is no place where a stranger enjoys himself more than at St. Thomas; and if the island was the property of the United States it would become a popular resort. The inhabitants have traded with us so long that their habits assimilate with ours. They are republican in their institutions, and would not have to change their actual form of government in coming into the Union. Although, in fact, belonging to a monarchy, their system is republican. All the officers of the island are elected except the governor and one or two others, who are appointed by the home Government.

It may be well to mention that the inhabitants are mostly colored, but they are extremely well educated. Nearly all the clerks in the stores are colored.

The following I consider the advantages of a naval station in the West Indies: The great difficulty we have of maintaining a fleet of any size in the West Indies is the want of a station of our own. Were we to have a war with a European power the rôle adopted toward us during the rebellion would no doubt again be enforced with the same rigor, and we would have to contend on the most unequal terms with a powerful antagonist having his naval depot close at hand, and who could also, in case of damage in a fight, go into a port provided with means of repair, while in a similar case we should be obliged to go north. Anyone can see the disadvantage a government would labor under that had to withdraw a fleet from before a place for the want of provisions and coal, and there is hardly any place in the West Indies where a vessel in time of war could lie in the open sea and transfer stores to another vessel. In carrying on warlike operations a depot is necessary, and here we have the pick of all the West India islands. The expense of going from the West Indies to one of our ports would be a tremendous item, to say nothing of losing the services of a vessel at a time when she would very likely be most needed.

St. Thomas, although not the best harbor in the West Indies, is certainly the most important, the proof of which is in the number of vessels that go there for repairs and stores; and it is, for the majority of vessels, the most easily reached. There are so many good points in the harbor of St. Thomas, St. John, and behind Water Island, that it would be difficult to decide which would be the best place at which to establish a depot. The harbor of St. Thomas itself is well provided with all the conveniences of wharves, buildings, and coal depots that would answer temporarily for naval purposes. Every provision is made for the coaling of large steamers, and in no port of the West Indies can a vessel be coaled so rapidly as at St. Thomas.

If the Government do not desire to go to any great expense, and only wish this place as a coal depot, there will be no necessity for further outlay. We, in fact, acquire a station already established. In time of war it would not be easy to blockade St. Thomas by any force.

No vessels would be able to lie within gunshot, nor could they anchor anywhere in front of the port close enough to prevent a steamer or any number of them from going in or out at night. There are no intricate channels through which a vessel of ours would have to work her way of a dark night, but she could run right direct for her port with nothing to stop her. This is not the case with the most of the harbors in the West India islands. Cuba, Porto Rico, and one or two of the English islands, are the only places where good harbors exist. St. Thomas has hitherto been considered one of the safest ports of refuge against those dreadful hurricanes, which, however, are so erratic in their course that first one island and then another feels the effects of their fury. St. Thomas has been less visited by hurricanes than other West India islands, and the harbor of St. John is the resort of vessels during the hurricane months as a place of refuge. St. John, St. Thomas, and behind Water Island may almost be considered one harbor, for they are not much farther apart than Jersey City and East River, and are all very much safer. There is some doubt about the health of St. Thomas, from the fact that on two occasions there have been fearful epidemics on the island. This, however, has been owing entirely to the absence of all precautions against the introduction of disease. Ships from all parts of the world seek that port. Steamers come and go, bringing invalids from infected ports, and the sick are landed at the hotels in

St. Thomas without a question being asked as to what is the matter with them or where they come from. The great quantity of English coal landed there of late years has also introduced sickness for the want of coal sheds over it, and the evaporation from the same in that hot climate, it is said, causes disease. This would not happen with American coal.

On the whole, however, St. Thomas is as healthy as any of the other islands, and with proper quarantine regulations would be considered quite a salubrious place. I know that American and European invalids seek it in winter, and there, or at the little island of Santa Cruz, are soon restored to health.

The outlying islands of the Virgin group are all valuable in various ways, and capable of cultivation. St. John and St. Thomas both produce sugar cane, although the great commercial position of St. Thomas and other more easy means of making money have caused all kinds of agricultural pursuits to be neglected. The people have always been our friends. During the rebellion, when all the ports of the French and British West India islands were closed against us, St. Thomas furnished our vessels with supplies of all kinds, gave us information, and turned the cold shoulder to the rebel cruiser. They offered the latter no facilities for preying upon our commerce.

The United States can have direct telegraphic communication with St. Thomas. Wires could be laid from the capes of Florida across the shoal water of the Bahamas, and thence along the islands and the shoal water, which extends, with some interruptions (of not very deep water) as far as Turks Island, and thence direct to St. Thomas. The distance would be somewhat greater than to Cuba, but, comparatively speaking, it would not be an expensive line, as there would be so much shoal water.

In fine, I think St. Thomas is the keystone to the arch of the West Indies; it commands them all. It is of more importance to us than to any other nation, and if Europe was at leisure, and its attention not distracted by its own complications, we would not be allowed to get the island on any terms. The chances are that we may not get it yet. The people of St. Thomas may prefer their present independent position to being mixed up with our difficulties.

DAVID D. PORTER, *Vice-Admiral.*

HON. WILLIAM H. SEWARD,
Secretary of State.

Mr. Hawley to Mr. Seward.

No. 1.]

ST. THOMAS, DANISH WEST INDIES,
November 13, 1867.

SIR: I beg leave to inform you of my arrival at this island, in company with Mr. Perkins, on the 12th instant.

Mr. Moore, who preceded us by some two days, has, for prudential reasons, already communicated with Mr. Simmons, United States vice-consul, on the object of our mission, with which he is in full sympathy.

A dispatch by way of Porto Rico to the effect that the United States had purchased the Danish Islands for the sum of \$15,000,000 reached here on the morning of our arrival, creating considerable excitement.

The rumor serves as the occasion of a free expression of opinion and gives rise to the question, "Will the United States continue St. Thomas a free port?"

If the merchants and others connected with the business relations of the island could be assured that there would be no change in this regard, and that their trade with the other islands would be maintained with its present advantages, the formidable objection to the transfer would be obviated. The whole issue, as they contemplate it, resolves itself into a question of trade, as the entire commerce of the island is built upon the freedom of the port.

If the decision is to be submitted to a popular vote there can hardly be a doubt that the result will be in favor of annexation.

We, of course, are not known as having any information on the subject, awaiting the arrival of the Danish commissioner, who is expected on the 16th instant.

The town has suffered considerable damage from the hurricane of the 29th ultimo, but the damage is being rapidly repaired.

With great respect, I remain your obedient servant,

CHARLES HAWLEY.

HON. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Yeaman.

No. 72.]

DEPARTMENT OF STATE,
Washington, November 15, 1867.

SIR: Your dispatch of the 25th of October, No. 112, and your letter of the 26th of the same month, were delivered to me this morning by your bearer of dispatches, Lieutenant Buchwaldt, together with the treaty for the cession of the islands of St. Thomas and St. John.

I have read the final report of the negotiations contained in your dispatch, and also the letter, with much interest. Some of the stipulations are expressed in a form which will subject them to criticism here. Nevertheless, I am satisfied that the terms in which the treaty is expressed are as advantageous to the United States as it was within our power to prescribe or reasonable upon our part to expect to be conceded.

The President approves throughout of your final proceedings, and directs me to express his high appreciation of the ability, patience, and fidelity which you have displayed in an important and difficult transaction.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE H. YEAMAN, etc., *Copenhagen.**Mr. Seward to Mr. Hawley.*DEPARTMENT OF STATE,
Washington, November 15, 1867.

SIR: When you left the United States we had not received the treaty of cession, and its details were unknown to me. The treaty has now arrived.

Inasmuch as it has very important bearings upon the population of St. Thomas and St. John, and inasmuch, also, as the King of Denmark has sent a commission there to take the census of population, concerning the treaty, and inasmuch as you have gone to St. Thomas for the purpose of attending to the interest of the United States in that respect, I think it absolutely necessary that you should authoritatively know the terms of the treaty, to the end that you can discuss the subject with a full understanding of the transaction in which you are engaged.

In thus sending to you a copy of the treaty I unavoidably incur a peculiar risk and inconvenience. Treaties, before ratification, are properly regarded as confidential in their nature. It is very important that no copy of the treaty be taken or go out of your possession. You will observe this injunction. At the same time you will be expected to enlighten the consuls and naval officers of the United States with whom you are associated upon any points in the treaty which may come in question. In doing so, you will show them this instruction, and say that the reserve which is enjoined upon yourself is equally enjoined upon them.

For your better information and guidance, I give you an extract of a letter which I have received from Copenhagen: "The gentleman who was appointed to act as royal extraordinary commissioner, and as such to take the vote, has, on a former occasion, handed over to England our possessions on the coast of Africa, which we sold to that power, and of which he had for several years been the governor. On that occasion Mr. Carstensen exhibited much tact and talent for conciliation. He has since then been employed in the civil service in this country, and maintained a high reputation for integrity, tact, and gentlemanly deportment. He is thoroughly and warmly friendly to the United States, and to Americans, and deserves to meet with confidence and good will from your side. The intention of this Government is to let him do all the needful business, including the final delivery of the islands and the settlement of all matters connected therewith. With sensible agents on the spot, and with two governments, both in perfect good faith and thoroughly friendly one to the other, no serious difficulty will or can, I trust, arise out of this cession."

It is hardly necessary to say that you will open communication with Mr. Carstensen, and conduct it in the spirit of the extract which I have thus given.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

Rev. CHARLES HAWLEY, D. D., *St. Thomas.*

Mr. Hawley to Mr. Seward.

No. 2.]

FREDERICKSTED, ST. CROIX, WEST INDIES,
November 22, 1867.

SIR: I have the honor to report the arrival of the Danish commissioner, Chamberlain Carstensen, at St. Thomas, on the morning of the 17th instant. Mr. Perkins and myself waited on him without delay, and ascertained that it was his desire to proceed immediately to Christiansted, St. Croix, for consultation with the governor, and that we should accompany him.

Commodore Bissell, of the *Monongahela*, placed his vessel at the service of the commission, and we arrived at this place on the evening of the 17th instant, and proceeded next morning to Christiansted.

An interview was arranged for at 3 o'clock p. m., and while in the reception room of the government house a violent shock of an earthquake drove us from the building in confused haste and threw us into a scene of indescribable terror. A panic had seized the entire population, which was increased by the almost immediate incoming of the sea with great violence, threatening the submergence of the town. There had been contemporaneously with the shock a recession of the waters from the shore, and their return in a vast, combined wave apparently some 20 feet in height, stretching across the harbor and sweeping up the streets of the town, which terminated at the beach, causing the most intense alarm. The people were fleeing in the utmost confusion to the surrounding hills for protection, but fortunately the danger was soon past, and ended with the destruction of fifteen or twenty buildings of little value. I have since learned that several lives were lost. The reef, which renders this harbor at its entrance an intricate one, undoubtedly broke the force of the tidal wave and served to protect the town from a sore calamity.

As our proposed conference with the governor and commissioner was by mutual agreement postponed, at least until the next day, Mr. Moore and myself left immediately for this place, where, as we feared, the damage proved much greater. Portions of buildings had fallen and others were badly shattered. One-half the town, composing the business port on, was submerged, attended with great destruction of property and serious loss of life. The *Monongahela* was carried from her anchorage, some three-quarters of a mile from the shore and in some 6 fathoms of water, and was left high and dry on the water side of Bay street. Buildings were carried in body an eighth of a mile from the strand and left in the streets, which in every direction in the submerged portions of the town were filled with the tokens of a fearful calamity.

As the Department will receive from its official agents carefully prepared accounts of this great disaster, it does not become me to attempt any description of it in detail.

Efficient police arrangements were found necessary for the protection of property, especially against large incursions of negroes from the estates in the country, many of whom were suspected of motives of mere plunder. Indeed, I can scarcely convey to you an adequate impression of the excitement which pervades the whole island. A large number of estates have suffered seriously in the falling of chimneys and the destruction of other portions of their works, together with the loss of buildings attached to the premises. Though I am writing four days after the first shock, the sense of insecurity, caused by repeated shocks of greater or less violence, remains. The night of Monday, which was one of fearful excitement, they were repeated every few minutes, and to-day we are constantly reminded that the earth has by no means resumed its wonted repose.

Admiral Palmer, who came with the *Susquehanna* from St. Thomas on the morning of Wednesday, brings tidings of a similar disaster there, inflicting great damage to the town and injury to the shipping. This calamity, following so speedily the hurricane of the 20th ultimo, is a serious embarrassment to our mission, as it must, for a time at least, preoccupy public attention. It has already frustrated our hopes of a speedy arrangement of preliminaries, and left us in a state of uncertainty of what under the circumstances should be done.

I may, however, communicate the result of several informal conversations with Mr. Carstensen, who is quite frank and unreserved in the expression of his views. He is unwilling to order an election until reasonably assured that the vote will be favorable. Rather than hazard a failure he would prefer a postponement of any further measures here until such modifications can be secured in the treaty which will dispose of the present contingency.

He has received the same impression that forced itself upon our attention, as I had the honor to state in my first communication, that the mercantile interest

of St. Thomas will be a unit against the transfer, without some assurance from the United States that, for a specified period at least, the present privileges and immunities enjoyed by the port will remain undisturbed. Governor Birch is of the same opinion. Indeed, it must be palpable to every one at all familiar with the present trade of St. Thomas and its resources, to bring it under the restrictions of our revenue laws is to destroy at a blow its commercial importance. The island is without productions—without anything to sell—except what it imports. The entire population is dependent directly or indirectly upon a trade with the other islands, which, from its peculiar position as a point of transit, it can maintain on the one condition that it can receive the goods it sells to Porto Rico, San Domingo, Cuba, etc., free of duties.

So commanding is this interest that I am not without fears it might control the votes of the less intelligent class. A guarantee from the United States that no change would be required in the present status of the port would relieve the whole question of embarrassment; but though urged at this point, both by the governor and commissioner, it is an assurance which, of course, I am not authorized to give. I have said to them that the principal design of the United States in acquiring these islands being the establishment of a naval depot, I had no doubt there would be as little change as possible in these respects, and that our Government would be disposed to a liberal policy toward its new possessions, and retain to them all rights and immunities not in conflict with the common interest, beside the advantage they would have in the protection and privileges which a generous and powerful government accords to all its citizens.

I must ask indulgence for this hurried communication, written in the confusion which surrounds me, having been driven several times from my place of writing by the alarm created by severe shocks of this continued earthquake.

A sailing vessel (the *Gypsy*) leaves this place to-day for New York, with letters, and if the *De Soto* goes home next week, as is now probable, I will send a duplicate of this report.

I remain, yours, most respectfully,

CHAS. HAWLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, U. S. A.

Mr. Perkins to Mr. Seward.

No. 122.]

UNITED STATES CONSULATE,
St. Croix, West Indies, November 23, 1867.

SIR: Mr. Hawley has informed you in a dispatch, by this opportunity (the brig *Gypsy*), of the arrival of the Danish commissioner, Chamberlain Carstensen, and of our departure with him for this island on the day of his arrival, in the United States ship *Monongahela*. He has also informed you of the great earthquake, followed by an overflow of the sea, and the disastrous consequences attendant upon it, which occurred in these islands on the 18th instant. I will, therefore, not repeat what he has written, but merely say that this calamity has produced such an excitement in the public mind that it is thought best for us to remain here for a few days till it subsides. My presence is also important in Fredericksted at this moment, as American interests have suffered there in this great catastrophe, and Mr. Moore, being a serious loser, is necessarily much occupied with his own business. The commissioner and his excellency the governor will, however, within two days, proceed to St. Thomas to take the preliminary steps necessary for holding the election, and we shall follow as soon as they think advisable. I am not prepared at present to give an opinion as to the result, but think the mercantile interests will require guarantees of the continuance of their present commercial advantages to induce a favorable vote from them. The commissioner will probably not risk a vote without further instructions from his Government, unless reasonably assured of success.

I have the honor to be, your obedient servant,

E. H. PERKINS,
United States Consul, St. Croix.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Hawley to Mr. Seward.

No. 8.]

ST. THOMAS, DANISH WEST INDIES,
November 29, 1867.

SIR: I regret to inform you that no material change has occurred in the situation of affairs since my communication of the ——— instant. The daily recurrence of the earthquake, though with abated violence, prevents the return of confidence on this island as at St. Croix, after a lapse of eleven days since the first shock.

We returned to St. Thomas on the 25th instant, in company with Governor Birch and Chamberlain Carstensen, in the United States flagship *Susquehanna*. The next day there was an informal conference with the leading merchants of the Government house, convened by the governor at the request of the commissioner, for a free expression of opinion. Messrs. Perkins, Moore, and myself were present.

This conference continued for two hours, from which it appeared that while there was no objection to a transfer of the sovereignty from Denmark to the United States, but on the contrary a general admission that certain advantages would be gained by the change, it was nevertheless deemed vital to the commercial prosperity of St. Thomas that it should continue a free port.

Without the assurance in some form that there would be no change for at least a period of years in this respect, they should be constrained, in the protection of existing interests, to oppose, with all the influence they could wield, the proposed cession. But with the assurance that their present privileges would not be disturbed by the change, it would meet with a general and cordial approval.

As we were requested to state what could be expected from the United States Government in this particular, we replied that our instructions did not contemplate this question; that all regulations pertaining to the imposition of duties belonged to Congress; that the exemption desired, if put into the substance of the treaty, might be considered an encroachment upon the province of the legislative department and embarrass its ratification by the Senate. On the other hand, as the object of the United States in the acquisition of the islands respected naval convenience rather than revenue, there would be a strong disposition to deal generously with existing privileges by appropriate legislation; and, moreover, if they would accept the manifest desire of Denmark to cede this territory to the United States and leave their interests with the latter their confidence would not be misplaced.

Much was said about existing laws in the islands, harbor regulations, etc., to which our reply was that it is the policy of the Federal Government not to interfere with the local institutions or laws of States, Territories, or municipalities, and that only such changes, if any, would be expected as experience should determine to be wise and suitable under a liberal government.

The spirit of the conference was good, and generally favorable to the cession, at the same time the freedom of the port was held with unyielding tenacity as the just and reasonable condition of their cordial approval.

Indeed it is not a matter of surprise that so much should be made of this single point by the mercantile community, especially at the present time. They have suffered severely, both by the hurricane and the earthquake, and they see no hope of recovery from these combined disasters if the accustomed channels of trade are now to be disturbed, if not entirely destroyed, by the regulations which govern the ports of the United States. The public mind, under a constant sense of insecurity, is in a most unfavorable condition to weigh calmly considerations which otherwise would have their influence in securing the desired result.

You will not be surprised to learn that the more ignorant class, who, withal, are quite superstitious, connect these calamities with the attempt of the Americans to gain possession of the islands. The coincidence, in the best view that can be taken, is unfortunate, and presents a serious hindrance to our movements, which no sagacity could have anticipated, and which calls for more than ordinary prudence to encounter.

I herewith transmit a copy of the royal proclamation announcing to the inhabitants of St. Thomas and St. John the purpose of Denmark to cede these islands to the United States.

I remain, with great respect, your obedient servant,

CHARLES HAWLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Hawley to Mr. Seward.

No. 4.]

UNITED STATES STEAMER DE SOTO,
Harbor of St. Thomas, November 30, 1867.

SIR: I beg leave to resume the narrative which for the present, at least, closes our proceedings here, in the hope that the conclusion reached will meet with your approval.

Events and circumstances with which you are made acquainted have determined the Danish commissioner to defer the taking of the vote, in order that he may proceed to Washington, and secure, if possible, such a modification in the articles of convention as will obviate the difficulty which the business interests of St. Thomas so persistently presents to all his movements. He desires, also, to be in immediate communication with Copenhagen. In his view delay is safe, and inasmuch as, in the most favorable circumstances, a month or more must elapse before preparations for the vote could be completed, little or no time will be lost.

Moreover, he sees that an adverse result from any cause would be fatal to the interests of Denmark, not less than to the desire of the United States, as negotiations could not be renewed in face of a popular decision against the cession. His desire, therefore, is to conciliate, as far as possible, the commercial community, whose capital has been invested in a trade which can only be maintained under existing regulations of the port; at the same time he is not unmindful of the difficulty which I have deemed it a duty to present to him, viz: That the executive department of the Government might find itself embarrassed by such conditions as he thinks desirable to secure. My own impression is that his powers as royal commissioner are largely discretionary, and sufficient, in case the emergency presents itself, to bring the whole matter to an issue, even against formidable opposition.

As my instructions from the Department direct me to defer to the views of the Danish commissioner, I could not do otherwise than concur in his judgment. But I may be allowed to say that, apart from such positive direction, it has appeared to me from the first unsafe to risk a vote as the question now stands; and further, that the position taken by the business men of St. Thomas is most natural and reasonable. If the concessions for which they ask can be properly granted, I see nothing in the way of a speedy and happy conclusion to the mutual desire of the two Governments in this valuable acquisition to the dominion of the United States.

I have the honor to remain your obedient servant,

CHARLES HAWLEY.

HON. WILLIAM H. SEWARD,
Secretary of State.

Mr. Hawley to Mr. Seward.

No. 5.]

ST. THOMAS, DANISH WEST INDIES,
December 2, 1867.

SIR: I have the pleasure to acknowledge the receipt of your dispatch under date November 18, with the accompanying document for my information.

The instructions it conveys with respect to the spirit with which negotiations are to be conducted with the Danish commissioner confirms the hope expressed in my communication of the 29th ultimo, that my return with him to Washington will, in the exigency of the case, meet with the approval of the Department.

With great respect, I remain your obedient servant,

CHARLES HAWLEY.

HON. WILLIAM H. SEWARD,
Secretary of State.

Mr. Perkins to Mr. Seward.

No. 123.]

ST. THOMAS, WEST INDIES,
December 4, 1867.

SIR: We returned to St. Thomas, accompanied by Governor Birch, in the U. S. S. *Susquehanna*, on the 25th ultimo, and on the following day a public meeting was held at Government house for the purpose of making known officially and publicly

the royal ordinance ceding the islands to the United States. Their excellencies, (Governor Birch, Vice-Governor Rothe, some other officials, our consular representatives, my colleague and myself, and a few of the influential inhabitants of the island were present.

The commissioner, Chamberlain Carstensen, read the royal ordinance ceding the islands to the United States, and requested an expression of the views of gentlemen present upon the subject, and especially as to the result of a vote of the people.

It seemed to be generally conceded by those present that the vote would be adverse to the change of sovereignty unless a declaration should be made or sufficient expression given by our Government for the inhabitants to believe that the present commercial privileges of St. Thomas would be preserved for a period of at least fifteen or twenty years.

I remarked that the passage of laws in regard to the future commerce of the island relative to a tariff of duties upon imports, etc., would be the province of our national legislature, but that I had every reason to believe and stated it as the view of the Department that the action of Congress would be in a spirit wholly friendly to the islands and that their prosperity would be carefully fostered and guarded by our Government.

The commissioner, however, has decided, and the Government here coinciding with him, that it is unsafe to risk a vote now, and proceeds to Washington in company with Mr. Hawley for the purpose of consultation with the Danish minister and our own Government, hoping to obtain some such declaration or expression from yourself as will insure a favorable vote.

His decision is, perhaps, a wise one, but I do not wholly share his fears, and should he return without accomplishing his purpose it might be more difficult to obtain a favorable vote than now. I shall remain here and at Santa Cruz during their absence, and no opportunity will be neglected by me to further the accomplishment of the object for which we were sent here.

I inclose copies of the St. Thomas Times, containing an account of the meeting of the colonial council and other government functionaries on the following day (the 27th) with Chamberlain Carstensen's address, etc.

The inhabitants of Santa Cruz are much disappointed that their island is not included in the treaty.

Slight shocks of earthquake still continue, but the people have become calm and are returning to their business occupations.

I have the honor to be, sir, with great respect, your obedient servant,

E. H. PERKINS,

United States Consul, St. Croix, W. I.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

ROYAL PROCLAMATION TO THE INHABITANTS OF THE ISLANDS OF ST. THOMAS AND ST. JOHN.

We, Christian the Ninth, by the grace of God King of Denmark, the Vandals, and the Goths, duke of Schleswig, Holstein, Stormarn, Ditmarsh, Lauenburg, and Oldenburg, send to our beloved and faithful subjects in the islands of St. Thomas and St. John our royal greeting:

We have resolved to cede our islands of St. Thomas and John to the United States of America, and we have to that end, with the reservation of the constitutional consent of our Reichstag, concluded a convention with the President of the United States. We have, by embodying in that convention explicit and precise provisions, done our utmost to secure you protection in your liberty, your religion, your property, and private rights, and you shall be free to remain where you now reside or to remove at any time, retaining the property which you possess in the said islands, or disposing thereof and removing the proceeds wherever you please, without you being subjected on this account to any contribution, tax, or charge whatever.

Those who shall prefer to remain in the said islands may either retain the title and the rights of their natural allegiance or acquire those of citizens of the United States, but they shall make their choice within two years from the date of the exchange of ratifications of the said convention, and those who shall remain in the islands after the expiration of that term without having declared their intention to retain their natural allegiance shall be considered to have chosen to become citizens of the United States.

As we, however, will not exercise any constraint over our faithful subjects, we will give you the opportunity of freely and extensively expressing your wishes in regard to this cession, and we have to that effect given the necessary instructions to our commissioner extraordinary.

With sincere sorrow do we look forward to the severment of those ties which for many years have united you to us and the mother country, and never forgetting those many demonstrations of loyalty and affection we have received from you, we trust that nothing has been neglected from our side to secure the future welfare of our beloved and faithful subjects, and that a mighty impulse, both moral and material, will be given to the happy development of the islands under the new sovereignty. Commending you to God.

Given at our palace of Amalienborg, the 25th of October, 1867, under our royal hand and seal.

[L. S.]

CHRISTIAN, R.

[From the *Sanct Thomæ Tidende*, St. Thomas, Wednesday, December 4, 1867.]

It had been our intention, after publishing the letter patent of His Majesty the King and the official speech of the commissioner extraordinary charged with the transfer of these islands, to have adverted to the subject in our last, but other matter precluded our doing so. We consider it nevertheless a duty to express our opinion upon this sudden yet not unlooked for change in the government of these islands. Let us then, at the risk of being considered crude in our judgment or limited in our vision, say, with candor and frankness, that we heartily and unhesitatingly hail with joy and hope that which now presents itself to us. At the same time we readily and sincerely testify to the equity and liberality of Danish law and Danish rule as having been wise, humane, and just. Yet none on the other hand, as is known, either in print or legislative council, more openly avowed their conviction that this island (St. Thomas), with its wealth, enterprise, commerce, and mixed population, was insufficiently understood, both at the colonial and metropolitan seats of government, and as a consequence our interests were continually suffering from a slowness or tardiness occasioned by a system that had become hampered with too much routine. But let us not overlook our subject by descending too far in local affairs. As is everywhere known, the States and the Territories of the United States enjoy in the highest degree all municipal freedom and self-government; it will then be our own fault if we remain satisfied with less. And setting aside for the moment fundamental questions, we would ask, supposing we had been under an American municipal law, could we have failed to brush out, as by a magic wand, without years of fruitless discussion, our passport system, the quarter per cent tax, the legal rate of interest, the local post-office in its present shape, and innumerable other things that have clogged our path, i. e., two years devising the best plan to repair and plank over the water courses in the cocoanut square. Would anyone have dared to disregard our quarantine laws? But the principal point of our subject is the anxiety which our mercantile body manifests—that with a change of government there may be a change in our commercial laws, or that a high import duty may be substituted for our present low one; and as our existence depends upon our ability to import European manufactured goods at a low rate in order to supply the neighboring markets, where the duties are high, any change in that way would tend immediately to impoverish the island. It appears to us that the anxiety is both groundless and without cause. Let us endeavor to analyze the point. What occasions high duties in any country? None other than to sustain the government, and what sort of government will we have to sustain? Certainly nothing more than a very simply devised municipal one, which as a consequence must be inexpensive, and therefore can call for no heavy imposts. Again, no one will charge the American people with a want of quicksightedness, and their ready common sense will tell them that when high imposts are to be imposed there must be resources ample and sure to meet them. Then as we are neither agricultural nor manufacturing, out of what are we to pay high imposts? And it can never enter into the minds of a liberal and progressive people to convert us, by their own solicitations, into a community of *sans culottes*.

So far as relates to the harbor dues, they are quite as high as they can well be, and are not likely to be increased in any way. But to resume the question of low import duties, we know that the commercial community would be satisfied with the change, provided some pledge, promise, or condition could be made that said duties would not be altered. All well. Yet how are we to know in what light such pledges or conditions will be received by the Washington Cabinet when preferred to it. Supposing it should say, You seem to distrust us in advance. You

doubt us at the threshold of the transaction. We have done with it. You can keep your islands. In how painful a dilemma would not such a contingency place the Government of His Majesty? Which in turn may ask of the mercantile body, What pledge have you to give us that the trade of St. Thomas, of which predictions are not wanting, will pass away, anyhow? At the same time you have spoiled a transaction the consequences of which you can not make good. You have debarred us of concluding a transaction of mutual advantage to both parties, and especially to ourselves. Loyal Danes and good denizens, reflect seriously upon this when the voting comes up! We have also heard apprehensions expressed on the score of silence on the part of the United States with regard to the future system of government here. We can easily understand that the United States Government considers it as the most dignified bearing scrupulously to abstain from any attempt to influence the voting. The freest country in the world has no need to trumpet its professions in advance. A country to which thousands flock weekly from Europe in search of liberty and happiness wants no certificate of good intentions. Let the transaction be done, then, as the charter parties say, in good faith, and we shall win the gratitude of Denmark, and become the pet of the United States.

It will be seen that our columns contain an official notice from Chamberlain Carstensen, arranging the preliminary steps for the voting that it would seem will not be long delayed. It seems to us that the general public is already determining to make a merit of necessity, and to cheerfully accept the change, since it is not only the will of His Majesty the King that it should be so, but it seems we are only accelerated in a move that manifest destiny points out as inevitable. If it is that we are marching with destiny, then the advantage will be that we have earlier reached our oasis than others who are struggling in the wilderness to get there.

Governor Birch to Chamberlain Carstensen.

ST. THOMAS, December 4, 1867.

Agreeably to the conferences we have had together, I beg leave to state in writing to your excellency the following elucidations for your information in regard to the negotiations which you, on your approaching visit to Washington, intend to open, and which I hope will be successfully achieved, in regard to certain guarantees or assurances for the inhabitants of St. Thomas and St. John, which are considered necessary in order to insure a successful result of the approaching public vote in reference to the cession of those islands to the United States of America.

As you no doubt already have had ample opportunity of observing during your stay in this island, the existing difficulties do by no means proceed from any antipathy on the part of the inhabitants here to attach themselves to the United States of America. However painful the approaching severment of the ties that have for long series of years attached these islands to the Kingdom of Denmark will be felt by the inhabitants here, they certainly do admit that important reasons recommend the change, and being, as they are, sensible of this, and conscious also of the renown and glory which has ever attended the free American States and the American people, they will most assuredly, with a large majority, vote for the union with that people, provided it can be effected without injuring or overturning those relations on which their whole prosperity depends. But in this respect the contents of His Majesty's proclamation of the 25th of October last, wherein it is stated that by the convention between His Majesty and the President of the United States the inhabitants of these islands have been secured protection in the exercise of their liberty, their religion, their property, and other private rights, as also the choice of remaining in the islands or of removing elsewhere, have given rise to the greatest concern and anxiety among the inhabitants here, who from this do draw the conclusion that no provisions or stipulations have been made in the convention for securing St. Thomas her position as a free port.

It is well known that hitherto free ports have not existed in the United States, all the ports there being subject to a uniform system of duty, with pretty high rates of import duty, levied according to the amount of income required for defraying the expenses of the Government of the Union; and never have the United States, since the establishment of their independence, possessed any colonies. Were the connection of the island of St. Thomas with the United States to have the result of causing that island to be at once immersed into the general system of duties established in the States, destroying her position as a free port, that would inevitably cause the ruin of the island's commerce, which consists almost

exclusively in the transit of goods from other ports of the globe to the other West India Islands and a portion of South America. This transit business can not bear higher duty than the present low rate of 1½ per cent of the value of the articles, besides the moderate ship dues at present fixed in the law of April 16, 1862, relating to trade and navigation in St. Thomas. Any increase in this duty, or in the rates of ship dues, must at once drive away the whole transit business from the island and ruin the greatest portion of the commercial firms here, or else compel such of them as could withstand the shock to remove elsewhere. The value of property in the island would be reduced to almost nothing by the ruin or removal of the commercial firms, because the island possesses no productive resources, and the supplying of vessels of war, besides perhaps some few mail and passenger vessels that may still be remaining, with provisions and the like could not afford sufficient occupation for a commercial community, nor could it afford sufficient to maintain more than a small portion of the island's present population.

It is readily admitted that it may not be found compatible with the authority that is generally vested in the supreme government and legislative power in relation to the territories subject to the same to confirm finally and permanently St. Thomas's position as a free port after the union with the United States; but what the inhabitants of the island desire and expect is this: That in the treaty for the cession of the islands to the United States it shall be expressly stipulated that the law relating to trade and navigation in St. Thomas, dated April 16, 1862, and now in force in the island, shall remain unaltered in force for a certain period; for instance, twenty years. If the merchants and commercial part of the population be given an assurance to that effect they will feel satisfied and content in regard to their future welfare, because, to everyone acquainted with the relations and general state of things here, it must appear most probable that the Government and legislative body of the United States, after having possessed the islands for such a lengthy period under the same relations as at present, will also subsequently allow the same state of things to continue, since that is an indispensable condition for the prosperity of the islands' commerce and the welfare of the inhabitants.

But security in the commercial pursuits of the island and the welfare of the inhabitants do not solely or exclusively depend upon St. Thomas continuing to hold her position as a free port, or in the unaltered maintenance of her custom laws, but also on this, that the island be allowed security for the quiet development of the existing laws; and it would in a very great degree tend toward reconciling the commercial part of the community and the inhabitants at large were it to be expressly stated in the treaty for the cession of the islands that the laws hitherto in force in the islands shall remain in force until they be altered by new legislative enactments, the inhabitants of the islands being afforded an opportunity of partaking, by their representatives, in the deliberations on such enactments.

In accordance with the foregoing, and agreeable to the conferences with your excellency and Mr. Hawley, D. D., the commissioner sent hither by the Secretary of State, Mr. Seward, the accompanying draft of several additional articles to the convention of October 24 last, containing the chief points in which it is desirable to obtain the necessary assurances, has been framed here, and I shall only add the following few remarks to each of the articles:

AD. ART. 1. It has been under discussion if it would not be sufficient to obtain a guaranty for the undisturbed continuance of the general principles contained in the custom law of 1862, particularly the low rates of duty and ship dues prescribed therein, but during the discussions in the meeting held on the 26th of last month with several influential members of the commercial community here (which meeting, as you will remember, was also attended by Messrs. Hawley, D. D., Consul Perkins, and Vice-Consul Moore), it was advanced on the part of the merchants that alterations in other parts of the custom law could also exercise very detrimental effects on the commerce of the island, and that it would, therefore, be necessary to provide a guaranty for the undisturbed continuance of the entire law for a certain period, at the same time leaving it open to effect such minor alterations therein as may be required from time to time. As regards the manner in which such alterations may be effected, it has in all respects been deemed most correct that they should be reserved for mutual agreement between the American and the Danish Governments. In relation to the Congress of the United States, in whose sphere of legislative power in all matters relating to the State revenues, and particularly the custom dues in all the States and Territories, a temporary limitation must be made in the present instance. It will no doubt be important to the Secretary of State to be able to show that the new territory has only been acquired with such temporary restriction, and that the matter has continued to be a diplomatic affair; while furthermore a precedent for granting that temporary exemption from the general dictates of the law in reference to a newly acquired territory might be found in the treaty of 1803, referring

to the acquisition of Louisiana, wherein certain privileges were expressly allowed French and Spanish vessels for a period of twelve years in their trade with the port of New Orleans. On the other hand, to prescribe that alterations in the custom law of 1862 should be subject to and depend on the consent of the colonial council of the island could sooner be considered an encroachment on the authority of Congress, and a clause to that effect has therefore been deemed inadvisable, although it certainly would be but natural if the colonial council were to be given an opportunity of stating its opinion before any alteration by diplomatic measures be effected in the law. The words "as hitherto" are intended to show that the enactments in the custom law shall continue until further notice to be applicable as hitherto, so that the wording used in several paragraphs of that law, "Danish West India Islands" and "the mother country," shall hereafter and until otherwise enacted continue to be understood as referring to St. Croix, St. Thomas, and St. John, and Denmark; but the enactment in sec. 4, III, 2 *c* and *d*, of the custom law establishing freedom from duty on Danish produce and on goods that have already paid duty in Denmark or St. Croix will no longer be applicable under the new state of things, and it has therefore been thought best at once to agree that that enactment may be abolished without diplomatic measures. If that enactment were to be rendered applicable to goods imported from the United States, it would be diminishing the custom revenues at St. Thomas to a far greater extent than the hitherto existing provision has done in regard to imports from Denmark, because these latter have always formed but a very small portion of the total amount of imports, while the imports from the United States are of a very considerable annual amount. On the other hand, this island as long as it continues to be a free port could, of course, not derive any benefit from the exemption from duty that otherwise would be allowed on her imports to the United States. Furthermore, it must be observed that immunities such as those established elsewhere on goods held on bond in warehouses, and intended for reexportation, are entirely inapplicable in consequence of the local relations at St. Thomas and the nature of the commercial business done here, and any attempt to introduce such arrangements alongside of higher rates of duty on goods for consumption in the island would, on account of the more rigid control that would then be required to be exercised by a custom-house department quite differently organized to that now existing, ruin the commerce of the place equally as soon as any other important change in the present relations.

AD. ART. 2. It would, of course, be causing general disturbance in all existing relations were the common and statute law of Denmark, which have ever been in force in these islands (see colonial law of November 27, 1863, sec. 67), to be suddenly superseded or replaced by the British or American common and statute law. The maintenance of the original code of laws and the original form of administration of the courts of justice in a newly acquired territory has, as far as is known, also been established as a principle on the acquisition of Louisiana in 1803; and the same is the case in Trinidad, where the laws and rules for the administration of justice are chiefly those of Spain, as also in British Guiana. This article has, furthermore, for its object to set forth the expectation that the islands will continue to have their local council or assembly for the treatment of legislative and commercial affairs. The colonial law of November 27, 1863, is certainly no unchangeable charter or fundamental law binding on the superior government of the state, just as little now on that of Denmark as in future on that of the United States; but like, as in the United States, not only each Territory, but also each State, has its legislative assembly for their interior affairs; so, also, it must be considered natural and very important that it be understood and expressed that the same will be the case with St. Thomas and St. John, whereby will be afforded the most natural guaranty that the development and alteration of the hitherto existing laws will be conducted according to the requirements of the place and the wishes of the inhabitants. The words "after previous deliberation" show that it is not intended to invest the colonial council with more extended legislative power than it possesses at present, while the enactments in the law may of course be altered by the sovereign power of the United States.

AD. ART. 3. Dr. Hawley has, in his conference with me on the contents of this article, stated that he considers the general principle therein to be a matter of course, because, as he remarked, concessions that are once given by the competent authorities in the United States for constructing or for carrying on any machinery or establishment—for instance, a railway—must be inviolably respected, and because no government can convey or cede land to another power except in such a manner that the new government will respect such enactments or such grants equally as much as the government who gave them. The contents of this article would no doubt be superfluous if the last part of article 5 of the convention had not been so framed, certainly not internationally, as possibly to admit of the mis-

understanding that the new government need not respect such concessions or grants, as, for instance, that for constructing and using a floating dock in the harbor of St. Thomas, not to mention the grant of a monopoly for the sale of ice and the grant to the apothecary. It has certainly never been the intent with article 5, second clause, to interfere with such rights or privileges that have been legally acquired by companies, associations, or private parties (it may even be argued that they are comprised under the term in article 3, "property and private rights," taken in its more extended sense), while the intent and meaning of the article is merely to guarantee and secure the transfer of full and undivided sovereignty over the islands with the same unlimited power as that with which Denmark now owns them. Those concessions or grants have never, nor could they have been, regarded as limitations or restrictions in the sovereignty of the state, just as little as similar concessions or grants in the United States can be considered as restrictions in their sovereignty; and the Danish Crown possesses the islands of St. Thomas and St. John with equally as full sovereignty and supremacy as that exercised by any State over its lands and territories. But nevertheless it must be admitted that the last clause of article 5 of the convention is so framed that it could cause not altogether unfounded fear and anxiety on the part of those persons holding such concessions or grants, and it must therefore no doubt be considered advisable and consistent with justice that it be expressly stated in an additional article that such concessions or grants shall remain in force until they either expire or be withdrawn or recalled from the same circumstances that would have justified such withdrawal or recall had the islands continued to be subject to Denmark.

The same is the case with those rights or privileges that have been granted or bestowed by the Danish Government to certain communities or establishments in the islands, for instance the different religious denominations and certain other institutions, until they can be abolished by legislative measures, for which the sovereign State government at all times possesses the requisite power.

The only one of those concessions or grants of which it might likely be of interest to the Secretary of State, Mr. Seward, to obtain further information, is the grant for constructing and using a floating dock in the harbor of St. Thomas, and I inclose herewith an English translation of the same. It will, no doubt, both by the Danish Government as well as that of the United States, be considered very advantageous for St. Thomas Harbor and for the navy to have such a floating dock here, and the right of preference in the use of the dock reserved in the grant to Danish vessels of war, will, after the cession of the islands, of course be applicable to the United States vessels of war, and the power warranted by the grant for the Government to decide all questions regarding the interpretation of the grant must devolve to the United States local government.

The draft of the above-mentioned three additional articles has been forwarded to the ministry of the interior, at Copenhagen, by the European steamer which left here on the 2d instant, and the minister for foreign affairs will at once be made acquainted with the same; and if Mr. Seward, as I trust, consent to the contents of the additional articles, a telegraphic dispatch from him to the United States minister resident at Copenhagen could empower the latter to conclude at once a supplemental convention in accordance with the aforesaid draft, of which he could obtain a copy from the minister for foreign affairs. But even if the matter can not be furthered in that manner, it is, at all events, according to the view held by the United States commissioner, Dr. Hawley, to be expected that he or you will be able to obtain and bring hither a declaration from the Secretary of State to the effect that the necessary steps for securing the desired guaranties, particularly by a supplemental convention, will without delay be taken, so as thereby to afford that confidence among the merchants and the inhabitants here which is requisite in order to secure a favorable result of the public vote, to be held in January next.

For your eventual use I inclose a few copies in Danish and English of the law relating to trade and navigation in St. Thomas, dated 16th April, 1862, and of the colonial law of 26th November, 1863.

In the accompanying letter to the Danish legation in Washington I have informed the same of the object of your visit thither, and requested that after you have communicated those points in which it is desired to obtain the necessary assurances the legation will, in the best manner, support your endeavors to obtain a favorable result.

W. BIRCH.

His Excellency Chamberlain E. J. A. CARSTENSEN, K. D. and D. M.,
*Royal Commissioner Extraordinary for the Islands of
 St. Thomas and St. John.*

Merchants of St. Thomas to Chamberlain Carstensen.

To His Excellency Chamberlain Carstensen, Knight of Dannebrog and Dannebrogsmann, royal commissioner extraordinary for preparing the cession of the islands of St. Thomas and St. John to the United States of America.

YOUR EXCELLENCY: It was with feelings of the most profound pain and sorrow, mingled with disquietude and disappointment, that the undersigned have read His Majesty's proclamation dated the 25th October, 1867, relating to his royal resolution to cede the islands of St. Thomas and St. John to the United States of America: with pain and sorrow because the severance of this island from the Danish nationality, and from those mild and benign laws under which the island has existed and prospered for so long a series of years, can not otherwise but be acutely felt; disquietude and disappointment because, although it has pleased His Majesty the King most graciously to proclaim to us that he, by distinct and definite stipulations, entered into the convention of the cession, has secured to us the free exercise of our liberty, religion, rights of property, and other private rights, still we do not find that any conditions have been made to secure to us that on which depend our existence and welfare as a community—nay, that without which those very rights which are secured to us, as aforesaid, will be lessened—namely, the unshackled freedom, as heretofore, of this port and of its commerce.

Your excellency will know that this island is devoid of all internal resources, having neither agriculture nor manufacture, nor is it by nature fitted to produce those things which contribute to human life and happiness. It has but its free commerce to depend upon. Deprive it of that freedom, and the whole scene, as it now exhibits itself, will be changed. Fortunes will fall, properties will be depreciated in their value, merchants will fail, and homesteads ruined, because all will find the usual employment suddenly arrested.

The question of the continuance of the freedom of this port and of its commerce under a change of government is therefore of paramount importance to us. It addresses itself to the two most powerful passions of the human heart, interest and fear. It applies itself to the strongest principles of human action, profit and loss. It is therefore of the greatest significance and moment for us that a concession in this respect be obtained from the United States Government.

Your excellency, it is said, is on the eve of departure for Washington, wherefore the undersigned now respectfully pray and solicit of your excellency there at the seat of the government of the United States of America to espouse and advocate our cause, our existence, and welfare, and that your excellency will endeavor and strive to obtain for us, if not perpetually, yet for as many years as possible, those immunities and privileges of this port and its commerce which we have hitherto possessed and enjoyed under the Danish Government.

With sentiments of the highest esteem, the undersigned have the honor to be your excellency's most obedient and respectful servants.

[Here follow names of some one hundred and thirty merchants and proprietors.]

PROPOSED ADDITIONAL ARTICLES.

Draft of additional articles to the convention between Denmark and the United States of America made at Copenhagen on the 4th of October, 1867.

ARTICLE I.

Considering that the island of St. Thomas has from olden times been a free port, and considering that the welfare of the merchants and of the inhabitants of the island depends upon the continuance thereof, so that no sudden changes in the present state of things be made, particularly as regards the low rates of custom and ship dues, and of port charges, it is agreed that the enactments contained in the law of 16th April, 1862, relating to trade and navigation in St. Thomas, now in force in the said island, shall continue to be in force, as hitherto, for the period of twenty years after the cession of the islands, unless it should be found necessary and requisite to make alterations in any of the minor clauses or enactments of the aforesaid law, in which case the contracting parties reserve the matter for further agreement.

It is, however, understood that the enactments in section 4, III 2, c and d, of the aforesaid law, may be abolished without such mutual agreement as aforesaid.

ARTICLE II.

In the same manner as Article III of the convention has already secured to the inhabitants of the ceded islands protection in their liberty, their religion, their property and private rights, so also is it understood, as a matter of course, that the Danish common and statute law now in force in the islands, with the modifications hitherto enacted therein, shall remain in force in the islands until alterations be made by new legislative enactments after previous deliberation in the council existing at the time in the islands for the treatment of legislative and other like matters.

ARTICLE III.

Concessions or grants given from time to time by the Danish Government for conducting or carrying on certain establishments or industrial occupations shall remain in force until they either expire or be withdrawn or recalled from the same circumstances that would have justified such withdrawal or recall had the islands continued to be subject to Denmark; and this shall also be the case with those rights or privileges which have been granted or bestowed by the Danish Government to certain communities or establishments in the islands.

Mr. Bethom to Mr. Seward.

[Extract.]

ST. THOMAS, WEST INDIES, *December 9, 1867.*

SIR: I have learned with much gratification, by your esteemed favor of the 25th May last, that my communications of the 13th in tant had proved interesting and valuable to you; and I am likewise happy to understand that the long-cherished desire of an annexation of these islands to the United States of America is on the point of being realized.

The favor with which my aforementioned address has met gives me confidence to renew the subject to your consideration, namely, of making Coral Bay, in the island of St. John, a naval station, especially should the United States Government be disposed to concede henceforth to this island of St. Thomas the privileges which it has hitherto enjoyed as a free port, and which have made it the center of trade and prosperity in the West Indies. The United States Navy would thus be less subject to contagion of yellow fever and other diseases which are considerably caused by a crowded population in a warm climate, and also are conveyed hither by the numerous intercolonial packets; whilst St. John is known to be one of the most salubrious islands in the West Indies, owing, no doubt, to its lofty and airy position, as well as to its scant and scattered population. By the proximity of St. Thomas, all requirements for the Navy could be promptly conveyed in a transport vessel, manned by natives or sailors accustomed to the climate, thus excluding any possibility of contagion. Besides the great extent of Coral Bay, and its considerable depth of water close in to shore, would allow establishing the coaling depot at a proper distance from the ships moored in the harbor (the experience having proved that colliers are more subject to yellow fever), and there is no bay in the West Indies offering such facilities for making it the greatest stronghold with comparatively little outlays. There is a good deal of land and property in St. John belonging to the Government, which has fine wood and timber for ship-building, and with proper care and attention could be made to yield a more lucrative revenue.

* * * * *

Sir, most respectfully, your obedient servant,

C. H. BETHOM.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington City.

Mr. Trowbridge to Mr. Seward.

NEW HAVEN, *December 14, 1867.*

DEAR SIR: My house having been in the direct trade with the Windward and Leeward islands of the West Indies for the last sixty years, I have ventured to

express some reasons why our Government should gladly avail itself of the important negotiation you have made for the purchase of St. Thomas, which I inclose herewith, with my congratulations for the important service you have rendered in this splendid acquisition.

With high consideration, I am, very respectfully, your obedient servant,

HENRY TROWBRIDGE.

Hon. WILLIAM H. SEWARD.

Secretary of State, Washington, D. C.

THE PURCHASE OF ST. THOMAS.

The coincidence of the purchase of the island of St. Thomas and the destructive hurricane of the 29th of October, occurring almost simultaneously, has naturally awakened public attention throughout the country to the question of whether Mr. Seward was wise in the selection of this particular island as a naval depot in the West Indies; and from the various articles that come to us through the press, it would seem that this coincidence of the hurricane, and the jealousy of the London Times, as manifested in its recent article upon the sanitary condition of the island, hoping, no doubt, thereby of creating an opposition to the consummation of the negotiations, has caused a general doubt as to the expediency of our Government making the necessary appropriation for its purchase.

Now, whether or not it is expedient for the country to embark in the purchase of colonies for the ostensible purpose of establishing naval depots in different parts of the globe, I do not propose to discuss; but if it is necessary for us to establish naval depots in the West Indies, St. Thomas possesses advantages superior to any other island in the Antilles.

1. Its situation, commanding, as it does, all the passages from the Caribbean seas available (save that west of Cuba), viz: Anegada and Sombrero, just to windward of it; Sail Rocks or Virgins, to leeward and in sight; Mona, between Porto Rico and St. Domingo, one or other of which every American vessel bound from the Windward Islands to the northern parts of the United States must use, and the most frequented of all is that of Sail Rocks, almost under the guns of St. Thomas. This, with the fact that St. Thomas has a capital harbor, and can be reached from all the Windward Islands and British-Dutch Guiana with fair trade winds, and equally well by all our South American and India ships, and where they would naturally resort for convoy in time of war, renders its location most desirable.

2. The objection that is made to hurricanes. St. Thomas has always been remarkably exempt from their visitation; more so, perhaps, than any of the Caribbean Islands. The last, previous to this year, was in 1837. The writer was then visiting the island, and although it was as severe as that of October last, but not as destructive to shipping on account of the absence of steamships from those waters, the island, in an incredibly short time, recovered from its effects; and so it will now.

3. As to the scourge of yellow fever, up to the time the English mail steamers established their depots there and concentrated all their mail routes at that point for distribution, and particularly their Chagres steamers, the island was remarkably healthy; and since, save in the immediate neighborhood of their "coal hulks," I am not aware of any epidemic yellow fever prevalent in the town. Indeed, it is remarkable for the absence of it. And now that the English mail steamers have decided to resort to Jamaica for the greater convenience of their extended mail service, there can be no doubt that the island will again be exempt.

4. St. Thomas, during the whole of this century, has been the resort, and more at this time than ever before, of American shipping seeking for return freights, to which point all the Leeward Islands send their orders. It is, and has been, the central point for the negotiation of money exchanges for the neighboring islands, and in the possession of the United States would become a great distributing port for American productions, not only for the West Indies but for the Spanish Main.

Now it is a question whether the unfortunate coincidence of the terrible hurricane which has recently visited it shall prevent the consummation of its purchase. If it is to be of frequent occurrence we might well hesitate; but taking the last hundred years as a fair expectation of the future, what has occurred of late should not deter us from the purchase, if it is needed as a naval depot.

In connection with this it must be remembered that, with Bermuda and the Bahama islands already in possession of the English, should they, instead of us, purchase St. Thomas, in case of war with that power they would, in spite of our

cruisers, deprived of a depot, do sad havoc to our American shipping from the West Indies and the South Atlantic. There can be but little doubt, had we been in possession of St. Thomas during the late rebellion, that one-half the blockade runners, as well as the privateers, would have been captured and many of our ships saved.

H. T.

Mr. Seward to Mr. Hawley.

DEPARTMENT OF STATE,
Washington, December 16, 1867.

SIR: I have carefully read the copy which you have placed in my hands of a communication which was made on the 4th of December instant, by his excellency W. Birch, governor-general of the Danish West India Islands, to Chamberlain E. J. A. Carstensen, Danish royal commissioner extraordinary to the islands of St. Thomas and St. John.

That communication consists of a draft of two additional articles proposed to be incorporated in the convention between Denmark and the United States of America, which was made at Copenhagen the 24th of October, 1867, and of an argument made by Governor Birch in support of the proposition, together with a memorial which has been addressed to the royal commissioners by citizens, merchants of St. Thomas and St. John.

The President has promptly given attention to the subject presented by these papers, and I am now to communicate to you the result.

You will inform the royal commissioner extraordinary that in so great a transaction as the cession of territory and dominion by one sovereign to another it is difficult, if not impossible, to adjust minute arrangements in detail concerning the future government of the ceded territory. All reservations and conditions made by the ceding sovereign necessarily impair the sovereignty of the receiving power, and equally tend to embarrass its legislation and to lay the foundation of ultimate difference and controversy between the contracting powers.

Second. The Constitution of the United States reserves to the Senate the power to ratify, and to refuse to ratify, the treaty made by the President, and the constitution of Denmark equally reserves to the legislature of Denmark the same absolute control over the subject. While the respective chief magistrates concluding the treaty might well suppose that they possess sufficient ability to adjust such details by contract, the assumption that they could so adjust them as to obtain the consent of the two ratifying bodies, and foreclose future legislative action by the Congress of the United States indefinitely, or for a term of years, would be exceedingly presumptuous. The United States have proceeded upon broad considerations of political advantage to themselves in receiving the cession of St. Thomas and St. John from Denmark, but they have not overlooked the rights and interests of the inhabitants of the ceded islands.

Our constitutional system of government is established upon the principle that every people incorporated into the American Union by annexation, or even by conquest, acquire, in the act of annexation, their due and equal share in the protection of the United States and of the liberties and rights of American citizens. Another principle is found at the base of the American Constitution, which is that every community which is received into the national family secures rights and privileges of local self-government with due representation in the councils of the Federal Union.

It is believed by the United States that no portion of the American people can need or reasonably desire any higher or broader guaranties for the protection of life, liberty, and property than those which the Constitution of the United States affords equally and indiscriminately to all the States and the whole American people. The United States are an aggregation of forty-seven distinct political communities, thirty-seven of which are States and ten preparing to be States. They occupy a region which extends from the Gulf of Mexico to the Arctic Ocean, and which stretches from the Atlantic coast to the furthestmost of the Aleutian islands in the Pacific Ocean.

All these political communities have at some time belonged to foreign states and empires.

Such has been the benignant operation of self-government in the United States that no one of these distinct communities could now be induced to assume independence, much less to return to its ancient allegiance, or to accept of any other sovereign.

The questions which Governor Birch presents in his proposed amendments were

long and elaborately discussed, and were finally overruled in the debates which preceded the treaty of Copenhagen.

The United States were unwilling to make the treaty conditional upon the consent of the people of the islands ceded, because, first, they suppose that the King and legislature of Denmark would not, in any case, make a treaty prejudicial to the rights and liberties of those inhabitants; and secondly, because they were satisfied that, through the constitutional guarantees I have alluded to, the habitants would secure rights superior even to those which they have so long enjoyed as a colony under the protection of Denmark. The popular vote which is to be taken in the islands is asked by the Danish Government for its own satisfaction, and not for that of the United States. It is, therefore, a Danish question, into which the United States can in no case enter. They are willing to accept the cession, if notified by the Senate and confirmed by the Rigsdag of Denmark.

In the judgment of the President supplemental negotiations would only tend to embarrassment and delay, while they are deemed altogether unnecessary. I am therefore not at liberty either to negotiate upon the subject with the local authorities or the royal commissioner extraordinary here, or to reopen the negotiations already closed at Copenhagen.

Your agency at St. Thomas was, as you are aware, constituted in deference to wishes expressed by the Danish Government. I am happy to learn from the royal Danish commissioner, now here, that he anticipates no considerable obstacle or delay of the proceeding with which he is charged at that place, and that he is aware of no necessity for further attendance on your part. Under these circumstances the agency will be terminated.

I give you the President's thanks for the propriety, ability, and fidelity with which you have performed duties equally delicate and important.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

Rev. CHARLES HAWLEY, *etc.*, *St. Thomas.*

AUBURN, N. Y., *January 4, 1868.*

SIR: There appears to be in the public mind a great want of information in regard to the importance to us of our proposed purchase in the West Indies.

I take the liberty to state that I have recently spent six years in the West Indies, visiting many of the islands, and several times at St. Thomas, and I do not hesitate to say that, in a naval point of view, its value to us can not be easily overestimated, and with a wise management of this great entrepôt the trade of that vast archipelago could be secured, as well as the progressive ideas of our Government disseminated in all the Windward and Leeward islands and Spanish Main, to a far greater extent than is the English prestige by their chief occupancy.

It is not an easy matter to one who has never visited it, to perceive the commercial activity and importance of this little key to the Antilles. I confess every visit astonished me more and more, at the magnitude of the traffic between the merchants and consumers of all these islands and the north coast of South America and Europe, meeting at this natural midway station for exchange of commodities.

Were I a resident there I should not fear another earthquake in an ordinary lifetime, as none ever occurred before so seriously as these late ones, and they rarely do damage.

Though of no personal interest, I confess it would gratify my American pride not a little to see our proud flag floating over that Caribbean Gibraltar as a keeper of the peace in those waters.

Very respectfully,

HOMER N. LOCKWOOD.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Perkins to Mr. Seward.

No. 125.]

ST. THOMAS, WEST INDIES, *January 13, 1868.*

SIR: I have the honor to inform you that Chamberlain Carstensen, the Danish royal commissioner extraordinary, returned here from Washington on the 1st instant, and in accordance with his publication of that date the voting by the

inhabitants of St. Thomas and St. John on the cession of these islands to the United States took place in the former on the 9th and in the latter on the 10th instant, and the result, which I have forwarded to you by telegram from Cuba, has been most satisfactory. In St. Thomas there were 1,039 votes in favor of annexation and only 22 against it. In St. John 205 in favor and none against it. The colored people and the blacks were all in favor of the United States, and the merchants in St. Thomas, from whom I apprehended the chief opposition, behaved remarkably well. Many voted for us and but few against us, while others abstained from voting. It was a holiday here among the people and great enthusiasm was manifested. Early in the day a large number of voters, carrying the American flag and preceded by a band of music, marched to the poll accompanied by a throng of people, the band playing "Hail Columbia." The mass of the people are rejoiced at the thought of becoming American citizens.

Good order prevailed throughout the day. There has been no naval or other representative of our Government here for some time except Vice-Consul Simmons and myself.

I inclose paper containing the commissioner's address on his return, etc., in separate envelope.

I have the honor to be, your obedient servant,

E. H. PERKINS,
United States Consul.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

[From the St. Thomas Tidende, January 4, 1868.]

ST. THOMAS, *January 4, 1868.*

His Excellency Chamberlain Carstensen, commissioner extraordinary for arranging the cession of these islands to the United States, arrived here on New Year's Day in the American steamship *Mississippi* from New York. As will be seen by our columns, Mr. Carstensen at once took in hand the steps necessary for affording the inhabitants an opportunity of voting on that important measure, which will take place on Thursday next, the 9th instant. The belief, we have good reason for saying, is that the voting will show a decided result in favor of the cession, since every voter has become impressed that in doing so he not only acts in conformity with the expressed wishes of His Majesty the King, but also renders to the new sovereignty an evidence of welcome and confidence that must in all future time weigh advantageously on our side.

His excellency further convened to-day, at 12 o'clock, a meeting at Government House of those citizens who had presented him with a memorial on the eve of his leaving for the United States, and on the assembling of those gentlemen addressed them in the following manner:

"GENTLEMEN: The memorial presented to me on the 4th of December last is now in the Department of State at Washington. Before I left the United States I had several conferences with the Danish minister, newly arrived, and Captain Hede-mann will in a few days be in Denmark with dispatches.

"In my official capacity I am not at liberty now to say more in reference to your memorial than 'the inhabitants of St. Thomas, by annexation to the United States, will secure rights superior even to those which they have so long enjoyed as a colony under the protection of Denmark.'

"The impression I bring with me from the United States is that the United States are determined on having a military and commercial station in the West Indies—if not at St. Thomas, then at some other West Indian locality. I bring with me the conviction that these plans involve the future mercantile prosperity of St. Thomas, and that the inhabitants of St. Thomas by opposing annexation might prejudice the future commercial position of St. Thomas.

"I have considered it my duty to let this, my well-founded conviction, be publicly known. Every voter must know how far his vote may influence the future welfare of these islands.

"I think that the cession of these islands to the United States has now reached a political standpoint from which it must be duly considered. I am sure that a unanimous vote or a very great majority for annexation would prove a beneficial political demonstration, while a contested vote will not favor the views of Denmark nor those of the United States, and certainly not work favorably for what you have most at heart—the commercial interests of St. Thomas."

[From the St. Thomas Tidende, January 11, 1868.]

THE ELECTION.

ST. THOMAS, *Saturday, January 11, 1868.*

According to official announcement, the poll was opened on Thursday morning, 9th, precisely at 8 o'clock. The board appointed to conduct the poll consisted of the Honorable Judge Rosenstand, chairman: Messrs. S. B. Lange, G. W. Smith, E. de Leon, and H. Krebs. Present were His Excellency Chamberlain Carstensen, K. D.; His Excellency Governor Birch, K. D., and His Excellency Chamberlain Rothe, K. D. The first ticket (blue) put in the urn was by Mr. James B. Gomez, native proprietor and head of a family. From that time to the closing of the poll the tide of voters continued without abatement. At the close the polling stood thus:

For the cession (blue)	742
Supplemental votes (blue)	297
	<hr/>
	1,039
	<hr/>
Against the cession (white)	21
Supplemental votes (white)	1
	<hr/>
	22

When we bear in mind that the population is 13,000, from which must be deducted women, children, old, infirm, and the fluctuating portion (transient) that of course does not come within the requirements for qualifying a voter, it is too evident that a more satisfactory vote could not well be expected.

The result could not otherwise than have been satisfactory to every participant therein, and doubly so to those who ventured to predict its success. The majority for the cession of the islands is so overwhelmingly great compared with those against it, that it admits of no comparison, while the action of the voters on the blue ticket exhibits a peculiarity unusual in the transactions of men, since it can justifiably be said of them that they have pleased and served both parties—a circumstance that it will be owned is not common in voting. The voters have really conformed to the wishes of His Majesty the King, on the one side, and at the same time seasonably met the wishes of the United States Government on the other. It is common to say that a man, in endeavoring to sit at one time on two stools, usually falls between. But this can not and will not be said of the St. Thomas voters, who have in this instance exhibited the peculiar tact whereby they have been enabled (contrary to the accepted opinion) to sit on the two stools, and to have thereby accomplished a feat that will, without doubt, earn and merit for them the gratitude of both parties. The success of the blue ticket relieves both contracting parties from an embarrassing position, since it would have been hard to tell how the treaty could have been finally ratified on either side in the absence of a successful plebiscite, the only modern method by which one people may now be incorporated with another, and at the same time exempt the contractors from the odium of having handed over their citizens or subjects as simply materials for purchase and sale. It is gratifying to know that while the election naturally produced a certain amount of excitement in the minds of the inhabitants (a goodly portion of which is naturally unfamiliar with manhood suffrage), nevertheless, order and good will seemed to animate everyone, and it may be said that not one indecent act occurred, although, independent of the voters, hundreds of people were drawn from their homes to witness what was going on. Music and processions went through the streets in the daytime; serenades were made in the night. Some of our townsmen were tempted to mount the stump and talk buncombe, while a few indulged in a little good Santa Cruz or Old Bourbon. We then hope it will be impressed on the minds of those who may be in charge of the arrangement and completion of this cession, that the St. Thomas people have met and executed that part of the task assigned to them, and that they expect in turn similar deserved action, and that no one need be reminded that "procrastination is the thief of time," and that under the transition we now labor, all unnecessary delays in the "consummation so devoutly wished" must be prejudicial to the island's interest, and the sooner a thorough realization is come to, the sooner will the inhabitants feel that their welfare is being looked after.

The voting that took place yesterday at St. John resulted in a unanimous vote of 205 for the blue ticket, not a single white ticket having been placed in the urn.

March 11, 1868.

On the naturalization treaty with Prussia, Mr. Sumner reported as follows:

Resolved, That the Senate advise and consent to the ratification of the treaty between the United States and His Majesty the King of Prussia, regulating the citizenship of those persons who emigrate from the North German Confederation to this country and from the United States to the North German Confederation, concluded at Berlin the twenty-second February, with the following amendment:

At the end of the first article insert: *This article shall apply as well to those already naturalized in either country as to those hereafter naturalized.*

(Ex. Jour., vol. 16, pp. 194, 208.)

June 17, 1868.

On the extradition treaty with Italy, Mr. Sumner reported as follows:

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the convention between the United States and the Government of Italy for the surrender of criminals, signed on the twenty-third of March, eighteen hundred and sixty-eight, with the following amendment:

Article 2, section 6, strike out the words "of all things being titles on instruments of credit" and insert in lieu thereof the words of *any title and instrument of credit whatsoever.*

(Ex. Jour., vol. 16, pp. 262, 263.)

July 16, 1868.

On additional articles to the treaty with China, Mr. Sumner reported as follows:

In the fifth article, after the words "United States" where they occur the second time, insert *or Chinese subjects.*

In the fifth article, after the words "Chinese subjects," insert *or citizens of the United States.*

Strike out the eighth article, in the following words: "The United States freely agree that Chinese subjects shall, without hindrance on account of their nationality or religion, be admitted to all schools, colleges, and other public educational institutions without being subject to any religious or political test. And, on the other hand, His Majesty the Emperor of China agrees that citizens of the United States may freely establish and maintain schools in that Empire at those places where foreigners are by treaty permitted to reside," and insert in lieu thereof the following words:

Citizens of the United States shall enjoy all the privileges of the public educational institutions under the control of the Government of China, and, reciprocally, Chinese subjects shall enjoy all the privileges of the public educational institutions under the control of the Government of the United States which are enjoyed in the respective countries by the citizens or subjects of the most favored nation.

The citizens of the United States may freely establish and maintain schools within the Empire of China at those places where foreigners are by treaty permitted to reside, and, reciprocally, Chinese subjects may enjoy the same privileges and immunities in the United States.

(Ex. Jour., vol. 16, pp. 313, 355.)

July 17, 1868.

On the naturalization treaty with Mexico, Mr. Sumner reported as follows:

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the convention between the United States and the Mexican Republic for the purpose of regulating the citizenship of persons who may emigrate from the one country to the other, signed in Washington, District of Columbia, July tenth, eighteen hundred and sixty-eight, with the following amendment: Insert at the end of article 4 the following words: But this presumption may be rebutted by evidence to the contrary.

(Ex. Jour., vol. 16, pp. 314, 371.)

FORTIETH CONGRESS, THIRD SESSION.

February 16, 1869.

On protocol for a naturalization treaty with Great Britain, Mr. Sumner reported as follows:

Whereas the President of the United States has transmitted to the Senate a protocol, signed at London on the ninth of October last, for regulating the citizenship of citizens of the United States who have emigrated or who may emigrate from the United States to the British dominions, and of British subjects who have emigrated or who may emigrate from the British dominions to the United States, and the President has asked the opinion of the Senate as to the expediency of concluding a convention based upon such protocol: Therefore,

Resolved, That the Senate, in response to the message of the President, advise and consent to the conclusion of a convention with Great Britain based on the protocol transmitted with the message.

(Ex. Jour., vol. 16, p. 477.)

FORTY FIRST CONGRESS, FIRST SESSION.

March 16, 1869.

Mr. Sumner made the following report:

The Committee on Foreign Relations, to whom was recommitteed the 11th instant the copy of a treaty between the United States and Great Britain, signed at London, January 14, 1869, providing for the adjustment of all outstanding claims of the citizens and subjects of the parties, respectively, having had the same under consideration, beg leave to report it back to the Senate and recommend the adoption of the following resolution:

Resolved, That the Senate do not advise and consent to the ratifi-

cation of the convention between the United States and Great Britain, signed at London, January fourteenth, eighteen hundred and sixty-nine, providing for the adjustment of all outstanding claims of the citizens and subjects of the parties, respectively.

March 16, 1869.

Mr. Sumner made the following report:

The Committee on Foreign Relations, to whom was recommittd the 11th instant the protocol for a convention between the United States and Great Britain regulating the citizenship of persons who emigrate to and from the two countries, beg leave to report the same to the Senate, and recommend the adoption of the following resolution:

Resolved, That in reply to the message of the President of the United States of the nineteenth of January, eighteen hundred and sixty-nine, transmitting the protocol for a convention between the United States and Great Britain regulating the citizenship of persons who emigrate to and from the two countries, the Senate advise and consent to the negotiation of a convention between the two powers, based on the protocol above mentioned.

FORTY-FIRST CONGRESS, SECOND SESSION.

March 2, 1870.

Mr. Sumner made the following report:

The Committee on Foreign Relations, to whom was referred the message of the President with reference to the exchange of the ratifications of the convention with Wurtemberg, signed July 28, 1868, having had the subject-matter under consideration, beg to report the following resolution:

Resolved (two-thirds of the Senate consenting), That the Senate advise and consent to the exchange which has been made of the ratifications of the convention of naturalization, signed July twenty-eighth, eighteen hundred and sixty-eight, between the United States and Wurtemberg, although the exchange took place subsequently to the date stipulated for that purpose.

March 15, 1870.

On the treaty for the annexation of the Dominican Republic to the United States, Mr. Sumner reported as follows:

The Committee on Foreign Relations, to whom was referred, the 10th of January, the treaty for the annexation of the Dominican Republic, signed on the 29th of November, 1869, beg to report the same to the Senate with a recommendation that the Senate do not advise and consent to the ratification of the same.

March 24, 1870.

On the treaty with Denmark for cession of Danish West Indies, Mr. Sumner reported as follows:

The Committee on Foreign Relations, to whom was referred, Decem-

ber 4, 1867, the treaty between the United States and His Majesty the King of Denmark, stipulating for the cession of the islands of St. Thomas and St. John, in the West Indies, signed the 24th October, 1867, beg to report the same without amendment, and with a recommendation that the Senate do not advise and consent to the ratification of the same.

FORTY-FIRST CONGRESS, THIRD SESSION.

January 12, 1871.

Mr. Sumner made the following report:

The Committee on Foreign Relations, to whom was referred the convention between the United States and the Republic of Nicaragua for the extradition of criminals, signed on the 5th of June, 1870, having had the same under consideration, beg to report it to the Senate with a recommendation that it be advised and consented to with the following amendments:

Article II, section 5, line 3, strike out the words "things, being"; strike-out the word "on" and insert in lieu thereof the word *or*; so that the section shall read:

"The fabrication or circulation of counterfeit money, either coin or paper, of public bonds, bank notes, and obligations, and in general of all titles or instruments of credit, the counterfeiting of seals, dies, stamps, and marks of state and public administrations and the utterance thereof."

January 12, 1871.

Mr. Sumner made the following report:

The Committee on Foreign Relations, to whom was referred the convention between the United States and the Republic of Guatemala for the surrender of criminals, signed on the 11th of October, 1870, having had the same under consideration, beg to report it to the Senate with a recommendation that it be advised and consented to with the following amendments:

Article II, section 6, line 3, strike out the words "things, being"; also, in the same line, strike out the word "on" and insert in lieu thereof the word *or*; so that the section shall read:

"The fabrication or circulation of counterfeit money, either coin or paper, of public bonds, bank notes, and obligations, and in general of all titles or instruments of credit, the counterfeiting of seals, dies, stamps, and marks of state and public administrations and the utterance thereof."

FORTY-THIRD CONGRESS, FIRST SESSION.

June 28, 1874.

Mr. Hamlin made the following report:

The Committee on Foreign Relations, to whom was referred, on the 19th of June, the resolution to remove the injunction of secrecy from

the proposed reciprocity treaty with Great Britain, submitted to the Senate the 18th of June, having had the same under consideration, beg to report it to the Senate with the following amendment:

Strike out all after the word "*Resolved*," and insert in lieu thereof the following:

That the project for a reciprocity treaty with Canada, submitted to the Senate by the message of the President of the eighteenth instant, be postponed to the next session of Congress, commencing in December next, and that the injunction of secrecy be removed from said proposed treaty, and that the same be made public, together with the message of the President accompanying the same.

FORTY-THIRD CONGRESS, SECOND SESSION.

February 3, 1875.

Mr. Cameron made the following report:

The Committee on Foreign Relations, to whom was referred the draft of a treaty for the reciprocal regulation of the commerce and trade between the United States and Canada, with provisions for the enlargement of the Canadian canals, and for their use by the United States vessels on terms of equality with British vessels, together with a report from the Secretary of State, and the message of the President transmitting the same, beg to report that they have given the proposed convention most careful and considerate attention, and that they recommend the adoption of the following resolution:

Resolved, That it is not expedient, under present circumstances, to recommend the negotiation of the treaty for reciprocal trade with the Dominion of Canada submitted to the Senate June eighteenth, eighteen hundred and seventy-four.

FORTY-FIFTH CONGRESS, FIRST SESSION.

November 20, 1877.

Mr. Hamlin made the following report:

The Committee on Foreign Relations, to whom was referred the resolution submitted on the 13th instant with reference to certain treaties, beg to report the following resolution:

Resolved, That the injunction of secrecy be so far removed that the dates when the following treaties were submitted to the Senate, referred to committee, reported back to the Senate, and approved by the Senate, and the names of the Senators reporting the same, be made public.

Guatemala: Extradition treaty of October 11, 1870.

Nicaragua: Extradition treaty of June 5, 1870.

Austria-Hungary: Naturalization treaty of September 20, 1870.

Salvador: Treaty of amity, commerce, and consular privileges of December 6, 1870.

Great Britain: Treaty of naturalization of February 23, 1871.

Mexico: Protocol signed October 23, 1869.

Colombia: Darien Canal treaty of January 26, 1870.

Peru: Treaty of friendship of September 6, 1870; extradition treaty of September 12, 1870.

FORTY-FIFTH CONGRESS, THIRD SESSION.

February 4, 1879.

Mr. Hamlin made the following report:

The Committee on Foreign Relations, to whom was referred the resolution submitted the 4th of December last by Mr. Edmunds, having given the subject most careful consideration, beg to report the resolution to the Senate with a favorable recommendation, without amendment, as follows:

Resolved, That, in the judgment of the Senate, steps ought to be taken to provide for as early a termination of the fisheries and customs arrangements between the United States and Great Britain as possible by negotiations with that Government to that end.

Resolved, That a copy of the foregoing resolution be laid before the President of the United States.

FORTY-SEVENTH CONGRESS, SECOND SESSION.

January 9, 1883.

Mr. Edmunds made the following report:

The Committee on Foreign Relations, to whom was referred the treaty of commerce and navigation between the United States and the Kingdom of Korea or Chosen, concluded on the 22d day of May, 1882, beg to report the same to the Senate with a recommendation that it be advised and consented to, and to submit the following resolutions:

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the treaty of commerce and navigation between the United States and the Kingdom of Korea or Chosen, concluded on the twenty-second day of May, eighteen hundred and eighty-two.

Resolved, That it is the understanding of the Senate in agreeing to the foregoing resolution that the clause "Nor are they permitted to transport native produce from one open port to another open port," in Article VI of said treaty, is not intended to prohibit and does not prohibit American ships from going from one open port to another open port in Korea or Chosen to receive Korean cargo for exportation or to discharge foreign cargo; and

Resolved, That the President be requested to communicate the foregoing interpretation of said clause to the Korean or Chosen Government, on the exchange of ratifications of said treaty, as the sense in which the United States understands the same;

Resolved further, That the Senate, in advising and consenting to the treaty mentioned in the foregoing resolutions, does not admit or acquiesce in any right or constitutional power in the President to authorize or employ any person to negotiate treaties or carry on diplomatic negotiations with any foreign power unless such person shall have been appointed for such purpose or clothed with such power by and with the advice and consent of the Senate, except in the case of a Secretary of State, or a diplomatic officer appointed by the President to fill a vacancy occurring during a recess of the Senate; and it makes this declaration in order that the means employed in the negotiation of said treaty be not drawn into precedent.

Resolved, That the Secretary communicate all the foregoing resolutions to the President.

FORTY-EIGHTH CONGRESS, FIRST SESSION.

January 24, 1884.

[Senate Report No. 76.]

Mr. Morgan, from the Committee on Foreign Relations, submitted the following report:

The Committee on Foreign Relations, to whom was referred Senate joint resolution No. 27, "as giving notice to terminate the convention of June 3, 1875, with His Majesty the King of the Hawaiian Islands," have had the same under consideration, and report the same back with the recommendation that the resolution be indefinitely postponed.

As the resolution invokes the action of the Senate to reverse, by the vote of a majority of the body, the solemn judgment of more than two-thirds of the Senate expressed with reference to this convention in 1875, the grounds on which this reversal is demanded require investigation.

A report from the Committee of Finance, made to the Senate on February 27, 1883, embodies the leading objections that have been urged to this convention.

The Committee on Foreign Relations, not being able to concur in the arguments stated or the conclusions reached in that report, state the following reasons in support of the opposite conclusions:

If it could be shown (as your committee have failed to discover that it has been) that the commerce or the revenues of the United States have not been adequately compensated by the advantages of actual trade with the Hawaiian Islands under the convention of 1875, there are other and perhaps higher considerations than the relative money value of that trade to the people of the United States, which establish the wisdom of the Senate in ratifying and of Congress in legislating to carry into effect this convention.

Since the opening of the Suez Canal the great commercial nations of Europe, notably England and France, have exhibited great energy and activity in building up trade and extending and consolidating their influence and power along the western shores of the Pacific Ocean and in the islands of the South Pacific. We have also extended our treaty relations to Corea, Siam, Persia, and Madagascar, with a view to a future profitable trade with all of the countries of Asia and Australasia.

Our transeontinental railroads have greatly increased our trade with all these countries and have earned large sums of money in the transportation of mails and freights and passengers. When an isthmian canal shall have furnished quicker and cheaper carriage by steam vessels for freights and passengers, we will find powerful rivals in the field both by way of the Isthmus of Darien and at Puget Sound, in British Columbia. This competition will also extend along the coasts of Mexico and of the Central and South American States.

The stimulus thus given to commerce on the Pacific Ocean will increase rapidly the interchange of productions between all these great countries until that trade will equal, if it does not exceed, the value of the commerce across the Atlantic.

The Hawaiian Islands afford the only stopping place, in a distance of 20,000 miles, between our coasts and those of Japan, Corea, and China; and from Panama to the heart of those countries they are in almost the direct line of travel. They are east of the meridian which touches the western shore of Alaska, and may be said to be properly

within the area of the physical and political geography of the United States. They are nearer to us than to any other great power.

Influences of a social and religious character, through which these islands were, in fact, opened up to modern civilization, have drawn those people closely to us, and they feel that they have greatly profited by the sympathy and consideration of the American people for their well-being as a nation. This feeling has been greatly strengthened since 1875. Our liberal reciprocity with them has confirmed a mutual feeling of regard, which has never been chilled by any unpleasant event.

Hawaiian trade, investment, population, and policy have been greatly influenced by the convention of 1875; so much so that almost every public act relating to commerce has direct reference to that treaty. American population there has increased considerably since 1875, and of the entire value of sugar lands in the islands, estimated at \$15,886,800, as is shown in the letter of Mr. Daggett, our minister to that country, of October 15, 1883 (which is herewith submitted), \$10,235,464 belong to Americans. (See Appendix A.) These close and cordial relations between the people of the two countries, in respect to which the Governments also are in earnest sympathy, strongly forbid that we should abandon our reciprocal commerce or avert our attention or withdraw our sympathies from the Hawaiian people.

Whether in an honorable and peaceful rivalry for the commerce of the countries bordering on the Pacific Ocean or in the protection of our commerce or our coasts in case of war with any great maritime power, our relations with the Government of Hawaii, consistently with its independence and autonomy, could not become too intimate for our own welfare.

A single fact, of many, will suffice to illustrate this proposition. The kingdom of Hawaii is the only Government in the North Pacific Ocean that is not a colonial dependence of some great power in Europe or Asia, and it is therefore the only neutral power in the North Pacific Ocean.

In the treaty of Washington, in 1871, the United States and Great Britain agree between themselves that as neutral powers they will not in future permit either belligerent to make use of their ports or waters as the base of naval operations against the other or for the purpose of the renewal or augmentation of military supplies or arms or the recruitment of men; and they agree to bring this rule, with others, to the knowledge of other maritime powers and to invite them to accede to them. This law of neutrality we would be bound to enforce against the Hawaiian Government in case of war between the United States and any maritime power; but, in doing so, we would deprive our war vessels of the right to take coal at the Hawaiian ports for a longer journey than 2,000 miles, while the ships of England or of any other European power would be entitled to take coal for a journey of 15,000 miles. This rule would permit them, in fact, to take coal at Honolulu and harass our coasts and commerce with the greatest possible advantage, while it would cripple us essentially.

The supremacy of England or any great maritime power in the Hawaiian Islands would make of this rule, on which we in part relied for compensation in respect of the *Alabama* claims, a most formidable difficulty in the way of the defense of our Pacific coast and commerce.

The very liberal concessions made by the Hawaiian Government in favor of our whalers and war ships in article 7 of the treaty of 1849, followed by the agreement, in the treaty of 1875, that "the King will

not lease or otherwise dispose of, or create any lien upon, any port, harbor, or other territory of his dominions, or grant any special privileges or rights of use therein to any other power, state, or government, nor make any other treaty by which any other nation shall obtain the same privileges relative to the admission of any articles free of duty, hereby secured to the United States," present the strongest possible evidences of good will toward us on the part of that Government and disclose its confident reliance on our protection against any serious aggression or disturbance from any foreign powers. These concessions have not been disputed by any power, and when we accepted them we also accepted the moral duty of an equivalent protection of the independence and security of that Kingdom. This close relation of amity is in relative degree as necessary to our welfare as it is to that of the people of the Hawaiian Islands and should be maintained in strict good faith.

The importance of the Hawaiian treaty, in its political bearings upon the United States, has been recognized by Presidents Tyler, Polk, Lincoln, Johnson, Grant, and Arthur, as indicated in messages to Congress. Our Secretaries of State have uniformly insisted, since the Hawaiian Government assumed treaty relations with other countries, that the United States must stand in a nearer relation with that Kingdom than any other nation can occupy.

The material advantages of the treaty of January, 1875, to the people of the United States consist in the furnishing of useful and lucrative employment to them, in increasing the supply and lessening the cost of many articles of general use, and enlarging the market and increasing the demand for their productions.

Under the first head, of furnishing lucrative employment to our people, the advantage has been very great.

Many Americans have gone to the Hawaiian Islands, and with their industry, skill, and capital have engaged in agriculture, mercantile pursuits, navigation, banking, printing, and many minor mechanical industries from which they have realized fair returns. The transportation of articles of commerce has been chiefly carried on by Americans in American ships.

The statement of Mr. Daggett, already referred to, estimates the amount of American capital invested in the Hawaiian Islands in sugar production alone at \$10,235,464 in 1883. Mr. Frederick H. Allen, former chargé d'affaires of the Hawaiian Government, in a statement which has been presented to the committee, makes the following estimate of loans and investments by Americans as they were in 1882, viz: \$3,200,000 in ships and wharves; \$3,300,000 in loans; and he mentions other lines of American steamers that were then about to be put into that trade. So that American capital to the extent of at least \$20,000,000 has found profitable and permanent employment in the Hawaiian Islands since the treaty of 1875 went into effect. The interest and profit on this sum will average 10 per cent per annum, yielding \$2,000,000 to our people.

Since the treaty San Francisco is practically the only direct market for the productions of these islands. Mr. Comly, then our minister resident at Honolulu, writing to the Secretary of State on the 11th April, 1881, says:

The showing for American shipping is gratifying. Not only have our shipbuilders furnished nearly all the new steamers and other vessels introduced, and our owners also transferred most of the bottoms which have changed register to the Hawaiian flag under Hawaiian owners, but the bulk of all the trade between

the two countries has been carried under the American flag. Excluding whalers, out of 235 merchant vessels and steamers visiting Hawaiian ports, 179 were American, leaving 60 only of all other nations. Total tonnage, 141,906. American, 99,619; all others, 42,302. These statements include also all Hawaiian vessels sailing foreign. The Hawaiian flag covers coasting sail vessels, 42; steamers, 8; sailing, foreign, 14; tonnage, 10,148. Nearly all these vessels are of American build.

He writes again, June 6, 1881:

The influence of the reciprocity treaty upon the increase of our carrying trade between the Hawaiian Islands and the Pacific coast, and upon the still larger increase of our shipbuilding for Hawaiian owners, has been one of its most gratifying results. * * * Three years and a half ago when I first reported for duty at this post there was but one island steamer, now there are eight and more ordered, every one of them but one American built. The increase in sailing vessels has been still larger. * * * It is but fair and just to admit that probably all this increased demand for American ships and shipbuilding grew out of the reciprocity treaty, and would never have existed except for its generative power. This generative power is reflex as well as direct. It creates a magnificent increase of island products this creates both demand and capacity for a large increase of the import trade from the United States, and these combined create the demand for carriers under the American flag, and for American factors, agents, bankers, insurers, and producers of almost every kind.

The trade with the islands is but a drop in the bucket. But compare the total amount of her exchanges between the Hawaiian Islands with those between all other countries and the United States, then apply to this last the same ratio of increase in our carrying trade and shipbuilding which we have gained here, the result it seems to me would show that, under like conditions of prosperity everywhere, all fear of the American flag disappearing from the sea might be abandoned. * * *

If our commercial policy with the Sandwich Islands is to be taken as only part of a great system intended to take in and bind together all the two great continents and their adjacent islands on our side of the world, it seems to me that there are such grand possibilities to the near future of the United States in such a scheme as would make the reciprocity treaty with these islands a conspicuous landmark in our commercial history.

The number of steamers running between the islands has increased since that date to ten or more.

The report of the Secretary of the Treasury for the year ending June 30, 1883, states that the total value of all imports into the United States of articles free of duty was \$206,913,289.47, and of this sum there were admitted free of duty from the Hawaiian Islands, under the treaty of 1875, imports to the value of \$8,029,835.18.

Our exports to those islands for the same period were \$3,811,913, of which \$35,848 were coin and bullion, while our imports of coin and bullion were \$42,847, showing nearly an equal export and import of coin and bullion.

There appears, therefore, an excess of imports over exports of \$4,217,922.18. This is practically the sum that we admit free of duty from the Hawaiian Islands, the rest having been set off by the importations, free of duty, into that country.

The revenue on this small balance is an inconsiderable item, when compared with the \$206,913,298 of annual importations which we have put on our free list for the bettering of the condition of our people at large.

But this apparent balance in the exchange of commodities in substance represents only the profits and gains of our own people employed in agriculture, navigation, and in trade and financial dealings with the Hawaiian people.

The interest and profits on the \$20,000,000 of investments in those islands, and in wharves and ships and loans, calculated at a rate lower than is in fact obtained, are \$2,000,000. The freights, insurance, and handling of produce interchanged, mostly of heavy commodities,

amounting in value to \$11,841,748, at 10 per cent, which is far below the actual cost, are \$1,184,174, and the commissions, earned almost exclusively by our own people, at 5 per cent, are \$592,087.40, and if the profits to our merchants are only 5 per cent, that sum is \$592,087.40; in all, \$4,368,348.

This is the actual state of trade, which accounts for the fact that with an apparent annual balance against us of over \$4,000,000 we are not called upon to ship coin or to transmit exchange to Hawaii to pay it. It is paid to our own people. The reverse of this is true of our trade with England. During the last fiscal year the apparent difference in our favor between the value of exports and imports to England was \$197,047,224. But England transported 85 per cent of our commerce, and the freights, insurance, and other charges which we paid to her people reduced the actual balance of trade in our favor to less than \$100,000,000. What we export to Hawaii is consumed there, and amounts to \$45.44 per capita, while our imports from that country amount to 60 cents per capita of our population.

These advantages of trade which we gain through our control of the commerce of these islands are of much greater value to us than the amount of revenue we could have possibly collected on the goods admitted under this treaty free of duty. This trade, including exports and imports, was in 1875 \$1,922,555. In the absence of the treaty there is no reasonable ground for supposing that it would have increased greatly, if at all. But in 1883 it has increased to \$12,004,526, and the treaty is justly entitled to be credited with nearly the entire increase.

If we take the trade of 1883 as the basis on which to estimate the loss of revenue, instead of the trade of 1875, which would be about the true basis, still this loss of revenue enriches our own people, both because we are the creditor country and handle this commerce, and because the taxes we remit are upon articles that are consumed by our own people.

If these islands furnish one-tenth of the sugar we consume, being admitted free of duty, it creates competition to that extent, which should correspondingly reduce the price. The necessity of reducing our present excessive revenues has earnestly engaged the attention of Congress for some time past, and if the entire customs duties which we could derive from articles of prime necessity imported from the Sandwich Islands should be remitted, the policy would be exactly in line with that which our redundant revenue is compelling us to adopt.

The most urgent complaints against this treaty are that it admits sugar and rice free of duty, these being productions that are grown to some extent in the United States.

A sufficient answer to these objections is found in the fact that there are no sugar or rice lands of any consequence in the United States west of the Rocky Mountains, and it is at least just to that important region that it should enjoy the means of obtaining these supplies on equal terms with the country east of those mountains.

The overland freights on Louisiana sugars exclude them from California and Oregon, and the Pacific States are therefore compelled to look to the Hawaiian Islands for their chief supply. Without this treaty they must import their sugars, under a heavy duty, from Hawaii, the nearest and cheapest market, and pay for them in money or in goods also taxed in that country, while the States east of the Rocky Mountains can exchange their untaxed commodities with Louisiana for all the sugar that State can produce.

Louisiana, in 1880, produced 171,706 hogsheads of sugar, and the

other States 7,166; total, 178,872. In 1883 the entire sugar production from cane is estimated at 180,000 hogsheads, or 180,000,000 pounds, which is equal to about 3.25 pounds per capita. Add to this the importations from Hawaii (106,181,858 pounds) and the total of untaxed cane sugar consumed by our people is 286,181,858 pounds. The amount per capita is 5.20 pounds. The per capita consumption of sugar in the United States is about 36 pounds, so that only one-seventh of the amount is on the footing of home production, for which we pay with our other productions. The other six-sevenths cost us \$91,406,717, and the duty added of \$46,172,378.85; total cost, \$137,579,095.

To pay for this we send to Cuba \$50,440,831 in money, that being the excess of our imports over our exports, and we send money in about the same proportion to all other sugar-producing countries.

The entire balance of trade against the United States in all the countries from which we imported sugar was, on the 30th of June, 1882, \$113,674,356. Of this entire sum nothing was paid for with our own productions except \$4,295,519, the balance in favor of Hawaii, and all of that was paid to our own people except \$958,000, which was paid to Hawaii in foreign exchange bought from our bankers.

These statements establish the fact that, in proportion to its amount, the Hawaiian trade is far the most profitable that we have with any country.

In the report of the Committee on Finance to the Senate, made on the 27th February, 1883, complaint is made of violations of the Hawaiian treaty by the importations of sugars from other countries through that country, and that sugars have been fraudulently imported of higher grade than are described in the treaty as—

Muscovado, brown, and all other unrefined sugars commonly imported from the Hawaiian Islands and now (1875) known in the market of San Francisco and Portland as Sandwich Island sugars.

It is our fault, and not that of the treaty, if we permit it to be violated by our own officers in our own ports. But these accusations, whether against the Hawaiian Government or our own, have been thoroughly disproved by the report of the commission sent out to the Hawaiian Islands in May, 1883, by our Secretary of the Treasury. The sugar refiners of the Eastern States, who were most earnest in these complaints, selected one of the three members of that commission; and as they all agreed in their report, it is presumably a full and fair statement of the facts.

As to the importation of sugar through the Hawaiian Islands from other countries, the commission say:

After a thorough examination of the matter we are convinced of the utter impracticability of such operations. The formation of the islands is such as in itself to forbid the successful smuggling of sugar.

The tables showing the quantities of sugar imported from the Hawaiian Islands which accompany the report of the commissioners establish the fact which they state, that—

It does not appear that there is any substantial difference in the character of the sugars imported prior to and since the treaty, nor is there any evidence that the importations under the treaty were not such sugars as were "commonly imported and known as Sandwich Island sugars" prior to 1876.

It is gratifying to find that our commissioners, after the most careful examination of these grounds of the complaints, both in our own custom-houses and in the islands, have been constrained to bear testimony to the honorable conduct of the Hawaiian Government in the execution of the treaty of 1875.

The King of Hawaii has been earnest and faithful in his efforts to remove all embarrassments that have stood in the way of his treaty engagements with the United States. The remission of 15 per cent of the duties fixed by the general tariff laws of Hawaii, to satisfy Great Britain, was a severe draft on the revenues of the Kingdom. By this and other means our special treaty relations with Hawaii have been recognized as being rightful and satisfactory to other countries.

This Kingdom, without any decided support from the United States, has vindicated the principles of the treaty of 1875 in the following article in her treaty with the German Empire of 19th September, 1879:

SEPARATE ARTICLE.

Certain relations of proximity and other considerations having rendered it important to the Hawaiian Government to enter into mutual agreements with the Government of the United States of America, by a convention concluded at Washington the 30th day of January, 1875, the two high contracting parties have agreed that the special advantages granted by said convention to the United States of America, in consideration of equivalent advantages, shall not in any case be invoked in favor of the relations sanctioned between the two high contracting parties by the present treaty.

More recently the Hawaiian Government has made a treaty with Portugal containing a like declaration.

It sufficiently appears from the facts thus briefly presented in outline that to abrogate our treaty of 1875 the Hawaiian Government would release these engagements with the other powers, and we would abandon the concessions of principles so favorable to us in respect of our peculiar political and commercial relations with the Kingdom of Hawaii which are now firmly established. We would thereby open the door to similar agreements between those countries and Hawaii, under which they would eagerly seize the advantages which we would throw away.

If we abandon the treaty, we must also abandon the attitude we assumed when it was ratified—that our national interests are so identified with those of Hawaii that we can not permit any other nation to gain such control in that country as will endanger our western coast or seriously impede our commerce on the Pacific Ocean.

Australia is anxious to gain the trade we enjoy with Hawaii, and is but little farther from those islands than we are. That continent of great islands needs the productions of Hawaii as much as we need them, and has many of the productions that we send to Hawaii.

The completion of the Canadian Pacific Railroad from Lake Superior to Puget Sound would induce the Dominion of Canada to make most favorable terms with the Hawaiian Government for the trade of those islands.

A canal through the Isthmus of Darien would cause the Hawaiian trade to seek better markets in Europe than we can offer for the purchase of the goods she needs, so that every new route of transportation leading to Europe will put in jeopardy our trade with the Hawaiian Islands unless we continue and make permanent our existing treaty agreement.

Whatever objections have so far been found to the workings or the results of this treaty are greatly overbalanced by the advantages we have acquired in a national sense, and by the benefits to our people of a profitable trade with the Hawaiian people, and by the duty we owe the people of both countries to give certainty and permanence to the gratifying prosperity which this treaty has created.

APPENDIX A.

No. 92.]

LEGATION OF THE UNITED STATES,
Honolulu, October 13, 1883.

SIR: I have the honor to inclose herewith, from the Saturday Press of this date, a statement of the principal sugar plantations on the Hawaiian Islands, embracing their estimated value and the nationalities of their proprietors. It will be observed that of the 69 plantations named 48 are credited mainly to American ownership, with a valuation of \$10,235,464, out of an aggregate valuation of \$15,886,800.

Very respectfully, your obedient servant,

ROLLIN M. DAGGETT.

Hon. FRED'K T. FRELINGHUYSEN,
Secretary of State.

[Inclosure in No. 92.—From the Saturday Press, October 13, 1883.]

Statement of sugar plantations on the Hawaiian Islands, 1883.

Name of plantation.	Value.	American.	British.	German.	Hawai- an.	Chinese.
Hawaiian Agricultural Company.	\$600,000	\$565,000	\$35,000			
Planting interests	150,000	50,000				\$100,000
Halawa Sugar Company	100,000	98,000	2,000			
Planting interests	50,000	30,000	20,000			
Onomea Sugar Company	240,000	240,000				
Paukaa Sugar Company	170,000	170,000				
Hononu Sugar Company	200,000	110,100		\$89,900		
Kaueohe Plantation	175,000	175,000				
Walluku Sugar Company	360,000	324,750	4,500	3,750	\$27,000	
East Maui Plantation	100,800	62,300	4,200	27,300	7,000	
Makee Sugar Company	500,000	500,000				
Kilauea Sugar Company	340,000	151,000	149,000			
Kealia Plantation	250,000	250,000				
Lihue Plantation	600,000	428,514		171,486		
Planting interests	120,000	120,000				
Koloa Sugar Company	300,000	67,500		232,500		
Planting interests	40,000	40,000				
Princeville Plantation	300,000	279,000			21,000	
Eleele Plantation	150,000		75,000	75,000		
Planting interests	20,000			20,000		
Kekaha Plantation	150,000	56,250		93,750		
Planting interests	50,000			50,000		
Waiakua Plantation	150,000		150,000			
Waimanalo Sugar Company	216,000	74,500	6,000	12,360	123,140	
Olowalu Sugar Company	160,000		49,000	60,000	51,000	
Hitchcock, Bros. & Co.	200,000	200,000				
Haiku Sugar Company	500,000	500,000				
Pepeekeo Plantation	400,000					400,000
Alexander & Baldwin	250,000	250,000				
Planting interests	100,000	100,000				
Kipahulu Plantation	125,000		125,000			
Planting interests	100,000	67,000	33,000			
Ookala Sugar Company	250,000	50,000	175,600		24,000	
Kohala Sugar Company	500,000	449,000	51,000			
Pioneer Mill Company and plant- ing interests	500,000	500,000				
Haua Plantation	250,000			1250,000		
Grove Ranch	200,000	183,250	4,250	12,000		
Waihee Sugar Company	250,000	250,000				
Makee Plantation	100,000	100,000				
Hawaiian Commercial Company	2,000,000	2,000,000				
Waikapu Plantation	250,000	125,000			125,000	
Hakalau Plantation	300,000	300,000				
Star Mill	200,000	150,000	50,000			
Hilea Sugar Company	800,000	240,000	60,000			
Naalchu Plantation	500,000	375,000	125,000			
Honokaa Sugar Company	200,000	28,000	94,000	80,000		
Planting interests	50,000	50,000				
Hawi Mill	150,000		150,000			
Planting interests	150,000		150,000			
Union Mill	120,000		120,000			
Planting interests	80,000		80,000			
Spencer's Plantation	200,000		200,000			
Paaupau Mill Company	200,000	100,000	100,000			
Planting interests	100,000				100,000	
Wainaku Plantation	75,000	37,500	37,500			

1 \$250,000, Danish.

Statement of sugar plantations on the Hawaiian Islands, 1883—Continued.

Name of plantation.	Value.	American.	British.	German.	Hawaiian.	Chinese.
Pacific Sugar Company.....	\$100,000	\$30,000	\$25,000	\$28,000	\$8,000	.....
W. Lidgate & Co.....	400,000	.....	400,000	.....	.....	.....
Walakea Plantation.....	160,000	.....	160,000	.....	.....	.....
Hamakua Plantation.....	250,000	.....	250,000	.....	.....	.....
Niinli Mill.....	80,000	.....	80,000	.....	.....	.....
Planting interests.....	50,000	20,000	.....	.....	30,000	.....
Moanili Plantation.....	60,000	.....	.....	.....	.....	\$60,000
Kamaloo Plantation.....	50,000	50,000	.....	.....	.....	.....
Meyer's Plantation.....	10,000	.....	.....	10,000	.....	.....
Walanue Sugar Company.....	170,000	60,800	5,000	3,500	64,700	.....
Lale Plantation.....	75,000	75,000	.....	.....	.....	.....
Heela Sugar Company.....	200,000	100,000	100,000	.....	.....	.....
Reciprocity Sugar Company.....	80,000	10,000	10,000	.....	60,000	.....
Huelo Plantation Mill and plant- ing interests.....	150,000	.....	100,000	.....	.....	50,000
Estimated value sugar interests in the kingdom.....	15,886,800	10,235,464	3,180,050	970,046	611,210	560,000

OCTOBER, 1883.

January 24, 1884.

[Senate Report No. 76, Part 2.]

Mr. Sherman, from the Committee on Foreign Relations, submitted the following views of the minority:

The undersigned not being able to agree with the conclusion of the majority of the Committee on Foreign Relations, in respect to the joint resolution providing for the termination of the reciprocity treaty of January 30, 1875, between the United States of America and His Majesty the King of the Hawaiian Islands, beg leave to say that their views are substantially embodied in a report made by the Committee on Finance upon the same subject on the 27th of February, 1883, which is hereby adopted and made a part of this report. It is as follows:

The simple recital of the facts as to our trade with the Hawaiian Islands before and since the date of the reciprocity treaty, September 9, 1876, will show its great inequality, and the conspicuous injustice to our Government and people of its longer continuance.

Prior to the treaty the average annual importations of Hawaiian sugars amounted to about 15,000,000 pounds, all of a very low grade, upon which the duties collected were only about \$500,000; and that was represented to be the full extent of the loss of revenue to which the United States would be subjected by the ratification of the treaty.

It appears that the soil and climate of the Hawaiian Islands are peculiarly adapted to the growth of the sugar cane, as well as to that of rice; and there was an increase of 50 per cent in the importation of Hawaiian sugars the first year after the treaty went into operation. In 1882 the amount imported rose to the astonishing amount of 106,181,858 pounds. Beyond this the grade and value of these sugars, by the use of the vacuum pan and centrifugal machines in the process of manufacture, have been very largely changed; and now, instead of the larger portion coming in as it previously came, not above No. 10 Dutch standard, nearly the whole of it comes in above No. 10 Dutch standard, or 53,228,379 pounds above No. 10 and not above No. 13; 44,973,213 pounds above No. 13 and not above No. 16; and even above No. 16 and not above No. 20, 4,027,380 pounds.

It is manifest that the treaty has given an artificial stimulus to the growth of Hawaiian sugars, and to the introduction of a grade of free sugars much above the standard of such as were to be lawfully admitted under the treaty. The only class of sugar which was to be so admitted free of duty, according to the very explicit terms of the treaty, was "muscovada brown, and all other unrefined sugar heretofore commonly imported from the Hawaiian Islands, and now (1875) known in the markets of San Francisco and Portland as Sandwich Island sugars."

Beyond all question the sugars lately received from the Hawaiian Islands have

not been such as were commonly and commercially known prior to the date of the treaty in the markets of San Francisco and Portland as Sandwich Island sugars, and their admission is an open and indisputable fraud upon the treaty. In other words, if there were no treaty, the sugars now received would be subject at least to 1 cent per pound more duty than such as by the treaty we were to receive free of duty.

Whether the Government can protect itself against this flagrant fraud, by excluding these higher grades of sugars from the benefit of the treaty, is very doubtful, as these same sugars, without diminishing their saccharine strength, may easily be so discolored as to reduce them below No. 10 Dutch standard, or to the class formerly known as Sandwich Island sugars, and thus they would have at least a colorable title to pass free through the custom-house.

We are bound to look at the possible result of any continuance of the reciprocity treaty with the Hawaiian Islands. There are 30,000 acres of sugar cane now reported as under cultivation, and the amount of lands available for this purpose is estimated to be sufficient to add 250 per cent to the amount of the present product. In no great length of time, under the hot-bed application of the reciprocity treaty, the Hawaiian sugar product will be likely to be swollen to its utmost extent, or to the amount of 350,000,000 pounds. The enormous capital already accumulated by those who have suddenly embarked in this enterprise points to an indefinite expansion.

Whether the low grades of sugar from China and India, costing 3 cents or less a pound, may not be brought to the Hawaiian Islands and reexported to the United States at a large profit, is a question that hardly admits of a doubt. The fixed belief of importers and producers of sugar and rice is that this has been done already. The temptation is great, and the difficulty of detecting such frauds is not small.

The Pacific coast, instead of being benefited by having cheaper sugars in consequence of the reciprocity treaty, it is claimed have actually had to pay more for their sugars than was paid prior to the treaty, and more than 2 cents a pound above the market prices on the Atlantic coast. Free sugars on the Pacific coast actually cost, therefore, at least 2 cents a pound more than dutiable sugars elsewhere.

The statement herewith, furnished by the Bureau of Statistics, shows the amount of sugar admitted free of duty under the reciprocity treaty.

Statement showing the quantities and values of brown sugars imported from the Hawaiian Islands and entered for consumption in the United States from 1877 to 1882, inclusive.

[Free of duty under reciprocity treaty, act of Congress approved August 15, 1876, which went into effect September 9, 1876.]

Year ended June 30—	Sugar, Dutch standard in color.					
	Above No. 7 and not above No. 10.		Above No. 10 and not above No. 13.		Above No. 13 and not above No. 16.	
	Pounds.	Dollars.	Pounds.	Dollars.	Pounds.	Dollars.
1877	3,980,804	230,155	11,291,315	754,490	10,183,556	737,525
1878	2,437,920	161,022	10,805,283	757,734	12,227,780	963,550
1879	8,174,146	501,850	16,615,686	1,000,164	15,670,504	1,118,118
1880	7,793,349	550,030	28,416,590	1,892,737	23,838,886	1,689,061
1881	5,373,005	286,707	28,480,580	1,774,952	43,049,613	2,865,362
1882	3,052,806	182,873	53,228,379	3,416,318	44,973,293	3,026,297

Year ended June 30—	Sugar, Dutch standard in color.			
	Above No. 16 and not above No. 20.		Total.	
	Pounds.	Dollars.	Pounds.	Dollars.
1877	5,180,406	425,363	30,642,081	2,108,473
1878	4,897,345	361,224	30,368,628	2,274,430
1879	1,232,673	92,061	41,093,069	2,811,103
1880	1,477,493	103,659	61,556,324	4,135,487
1881	—	—	76,000,207	4,927,021
1882	4,027,380	292,595	106,181,858	6,918,083

In the six years of the operation of this treaty we have received sugars from the Hawaiian Islands to the value of \$23,264,687, and the duties we have imposed upon other sugars of similar quality have averaged not less than 55 per cent ad valorem.

At this rate our loss in six years, by the sugar part of the Hawaiian treaty, would appear to have been \$12,795,578, and this loss is annually rapidly increasing. Upon the sugar received in 1882 the loss to the United States upon the same basis amounted to \$3,801,946. These are very large sums to throw away without any apparent or substantial equivalent, but there is still more to be added.

Without taking any account of the increasing quantity of Hawaiian molasses brought here free of duty, the article of rice appears as one of their most rapidly increasing commodities, as will appear from the following table of the annual importations:

Rice imported from the Hawaiian Islands.

	Pounds.
1877.....	8,034,405
1878.....	6,063,514
1879.....	5,553,676
1880.....	5,062,646
1881.....	6,984,406
1882.....	10,135,678

It thus appears that this crop within six years has been increased more than 300 per cent. How much more may hereafter be expected depends, perhaps, upon the success of extensive irrigation. The duty levied by the United States upon rice from other countries has been 24 cents per pound. Consequently the loss of revenue to the United States upon the total amount, duty free from Hawaii, for five and one-half years has been \$921,858; and this, added to the amount of loss upon sugar, makes a grand total of \$13,717,436. The whole of this has been a clear-cut and distinct largess to the sugar and rice operators in the Hawaiian Islands.

Instead of throwing away this vast sum upon the temporary sojourners in remote islands of the Pacific, where by no possibility can it confer any future advantage to our own country, would it not have been wiser to have bestowed the whole of this sum as a premium on sugars produced at home? Our annual expenditure for this necessary article of life is too great to be perpetuated forever. In 1882 the cane crop of sugars has been reported at 125,000 tons. The amount of maple sugar is supposed to be growing less year by year, and the annual product varies, as estimated, from 25,000,000 to 50,000,000 pounds; but it is believed by those entitled to know that the sorghum sugar will at no distant day contribute largely to the stock of sugars required for our home consumption. The beet-sugar production throughout Europe was established by direct encouragement, granted at first by Napoleon, to the home producers.

Whether we copy this strikingly successful example or not, most certainly we ought not to handicap our sugar producers by the longer continuance of the Hawaiian reciprocity treaty.

A table of our exports to the Hawaiian Islands is worthy of examination:

Years.	Exports of domestic merchandise.	Exports of coin and bullion.
1877.....	\$1,109,429	\$187,513
1878.....	1,683,446	100,250
1879.....	2,288,178	134,980
1880.....	1,985,500	450,650
1881.....	2,694,583	216,205
1882.....	3,272,172	102,399
Total	13,033,314	1,201,097

That our trade with the Hawaiian Islands is most unprofitable will appear when we add up our entire domestic exports of merchandise and find that the whole for six years amounts to less than our actual remission of duties on sugar and rice, or to \$13,033,314 of exports, against a loss of duties remitted of \$13,717,436. It should also be noted that we settled a balance against us during the same years by an export of gold and silver coin to the amount of \$1,048,032. Up to this time in 1883 our imports of Hawaiian sugar exhibit a further increase as compared with 1882, by which not less than an additional million of our revenue will this year, in excess of last year, be surrendered to Hawaiian sugar producers and refiners.

What was the extraordinary inducement which led to the adoption of this reciprocity treaty? The Hawaiian tariff formerly subjected a part of our exports to a duty of 10 per cent ad valorem, and the year previous to the treaty our exports so

subjected amounted to \$1,184,614, and therefore 10 per cent thereon was the sum to be annually remitted by the Hawaiian Government to the United States, being only \$118,461, in contrast with the millions we have so unwisely surrendered.

It is to be remembered that as soon as the treaty was ratified the Hawaiian Government raised their tariff upon all dutiable merchandise from 10 per cent to 25 per cent, and thus might have perhaps recouped all they lost on the surrender of the 10 per cent duties upon dutiable articles, had not Great Britain remonstrated, when the law increasing duties appears to have been repealed.

The number of natives in the Hawaiian Islands is now estimated at 44,000, a little more than one-tenth of the population at the time of their discovery by Captain Cook. The number of Chinese is represented to be 14,000, of whom 3,865 arrived there in 1881, and this class of immigration may be indefinitely multiplied. With their thrift and economy they will be able to produce sugars as cheaply as they can be produced in any part of the world. At the present time the Chinese own several sugar plantations, while only one sugar plantation is known to be held by any native citizen. The natives do not accumulate or hold any considerable portions of real estate or other property. The foreign population dominate in public affairs, and while a very reputable king appears in the foreground, the power behind the throne is made up of sugar planters and sugar corporations. Whatever political changes may in the course of time occur, Hawaiian products must find their only market in the United States, and this will forever secure friendly commercial relations. We have no interest in treating the Sandwich Islands with greater favor than any other countries which sustain friendly commercial intercourse with us. It can not concern us who the rulers of these islands may be, as they can never be formidable for aggressions, being over 2,000 miles distant from the Pacific coast, and if ever hostile the most powerful naval force would be sure to control their action. These islands are numerous, with coasts equal in extent to nearly one-half of those of the United States. Unlike the rocky barriers presented at Gibraltar, Malta, and St. Helena, the harbors and coasts are beyond the power of any people to make impregnable. We have no colonial possessions, and do not and shall not require any for a surplus population so long as one-third of our acreage of lands remains uncultivated, and so long as the country is able annually to absorb and Americanize a million of foreign immigrants. Certainly there is no pressure requiring us to send to foreign lands any portion of our people, with a heavy subsidy to be paid and borne by those who remain at home.

The carrying trade, in consequence of the great increase of Hawaiian sugars, has been, of course, correspondingly enlarged. Our shipping engaged in the trade across the Pacific Ocean sometimes find it convenient to call at Honolulu, but whatever flag there floats, there will never be any exclusion of American vessels or denial of any advantages now accorded, as such exclusion or denial would be greatly and obviously to the detriment of Hawaiian interests.

Years ago the Hawaiian Islands were of much importance to our vessels engaged in the whale fisheries, as they were accustomed during their long voyages of two and three years to call there for the purpose of obtaining supplies and for refitting, and sometimes to send home a part of their catch. In 1859 there were 549 entries of whalers at Hawaiian ports, and in 1867 the number was still large, or 243; but since that date the whalers have almost disappeared from the Pacific Ocean, and in 1881 there were only 19 which visited the Hawaiian Islands.

We require no fortified Gibraltar, no half-way houses on any of the highways of the ocean leading to colonial dependencies. All such places are only maintained in time of peace by extraordinary expenditures, and in time of war they are prolific sources of weakness. The time has not come when any such foreign entanglements can be justified.

The present reciprocity treaty with the Hawaiian Islands is so obviously adverse to the interests of the United States and so much more than would now be asked for by Hawaii that nothing less than its abrogation affords a sufficient remedy. Even those who would prefer a modification merely must see that the first step to that end or to obtain any satisfactory result is to wholly abrogate the present treaty. Doubtless the notice for its abrogation might be lawfully given by the President, or it may be done by Congress.

The committee therefore report and recommend the adoption of the following:

JOINT RESOLUTION providing for the termination of the reciprocity treaty of 30th of January, 1875, between the United States of America and His Majesty the King of the Hawaiian Islands.

Whereas it is provided in the reciprocity treaty concluded at Washington the 30th of January, 1875, between the United States of the one part, and His Majesty the King of the Hawaiian Islands of the other part, that this treaty "shall remain in force for seven years from the date at which it may come into

operation; and, further, until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wish to terminate the same;" and

Whereas it appears by a proclamation of the President of the United States bearing date the 9th of September, 1876, that the treaty came into operation on that day; and

Whereas, further, it is no longer for the interests of the United States to continue the same in force: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That notice be given of the termination of the reciprocity treaty, according to the provisions therein contained for the termination of the same; and the President of the United States is hereby charged with the communication of such notice to the King and the Government of the Hawaiian Islands, and the desire of the United States to make and maintain the most friendly commercial relations with that power.

The facts stated in the report of the Committee on Finance are emphasized by the state of the trade during the year 1883, the year following the latest date stated in the tables in the report. It appears that the importation of sugar of the Dutch standard from the Hawaiian Islands during the year 1883 was 114,132,670 pounds, valued at \$7,340,033, and that the rice imported amounted to 12,926,951 pounds, an increase of 2,800,000 pounds over the year preceding. The duty that would have been derived from the sugar admitted from the Hawaiian Islands entered for consumption in the United States in 1883 would have been about \$4,000,000, while the entire value of exports of domestic merchandise to the Hawaiian Islands in that year was \$3,683,460, or less than the actual duty that would have been derived from the sugar imported from there.

The loss of revenue entailed by the treaty seems to the undersigned far greater than any benefit derived from it, and it is submitted that the better way is to terminate the treaty with a view to enter into such commercial relations with the Sandwich Islands as will be more nearly reciprocal than the provisions of the present treaty.

JOHN SHERMAN.

JOSEPH E. BROWN.

March 26, 1884.

[Senate Report No. 394.]

Mr. Miller, of California, from the Committee on Foreign Relations, submitted the following report:

The Committee on Foreign Relations having considered Senate bill 1158, to provide for the execution of the provisions of article 2 of the supplemental commercial treaty of November 17, 1880, between the United States and China, for the repression of the opium traffic, which was recommitted to them February 20, 1884, report back the same and beg leave to recommend that it be amended by striking out all after the enacting clause and inserting provisions herewith submitted, and that the bill as so amended do pass.

The amendment proposed to be inserted is as follows:

That the importation of opium into any of the ports of the United States by Chinese subjects is prohibited, and no package composed in whole or in part of opium imported by or consigned to a Chinese subject in the United States shall be admitted to entry. All packages of opium, or of which opium shall form a part, imported or consigned as afore-said shall be proceeded against, seized, and forfeited by due course of law, in the same manner and with the same effect as is now provided

by law for proceedings against and the condemnation of articles the importation of which is prohibited. Any person offending against the provisions of this section shall on conviction thereof be punished by a fine of not more than five hundred dollars nor less than fifty dollars or by imprisonment for a period of not more than six months nor less than thirty days, or by both such fine and imprisonment.

SEC. 2. That no vessel owned or chartered by a subject of China and no vessel under the Chinese flag, even when chartered by citizens or subjects of another country, shall be permitted to bring opium to any port of the United States, and all opium found on board of any such vessel shall be proceeded against, seized, and forfeited by due course of law as aforesaid; and there shall, moreover, be imposed on the master of the vessel a fine equal to the value of the opium so unlawfully carried; but opium duly bonded for transit to a third country shall not be liable to process nor the master carrying the same to any fine.

SEC. 3. That whenever it shall appear that the Government of China has promulgated appropriate legislation prohibiting citizens of the United States, or the vessels owned or chartered by citizens of the United States, from importing opium into any of the open ports of China, or transporting opium from one open port to another open port, or buying and selling opium in any of the open ports of China, it shall be lawful for and the duty of the consular courts of the United States of the district where the offense shall be committed to arraign and try such citizens of the United States as may be accused of such offense by the Chinese authorities; and on conviction they shall be punished by a fine of not more than five hundred dollars nor less than fifty dollars or by imprisonment for a period of not more than six months nor less than thirty days, or by both such fine and imprisonment; but such jurisdiction of the consular courts of the United States in China shall only extend to the person of the accused and not to the opium seized or the vessel on which it may have been unlawfully carried.

SEC. 4. That this act shall take effect ninety days after its approval.
(Cong. Rec., p. 4742.)

May 21, 1884.

Mr. Miller, of California, made the following report:

The Committee on Foreign Relations, having considered the treaty of commerce concluded on the 20th of January, 1883, as amended, between the United States and Mexico, referred to the committee by the Senate December 11, 1883, report back the same with recommendation that the Senate do advise and consent thereto with the following amendments:

Amend Article VIII so as to read as follows:

The present convention shall take effect as soon as it has been approved and ratified by both contracting parties, according to their respective constitutions, but not until laws necessary to carry it into operation shall have been passed both by the Congress of the United States of America and the Government of the United Mexican States, and regulations provided accordingly, which shall take place within twelve months from the date of the exchange of ratifications to which Article X refers.

Article X, line 3, strike out the word "twelve," and insert in lieu thereof the word *sixteen*.

June 19, 1884.

[Senate Executive M.]

Mr. Miller, of California, from the Committee on Foreign Relations, to whom was referred the report of the Secretary of State communicating the proposal of the King of Hawaii for the extension of the duration of the existing reciprocity treaty with the United States, reported the following resolution:

Resolved (two-thirds of the Senators present concurring), First. That in the opinion of the Senate the proposition for the extension of the duration of the convention between the United States of America and His Majesty the King of the Hawaiian Islands, concluded January 30, 1875, for a further definite period of seven years, submitted to the Senate by the President in his message of the 9th of June, 1884, should be acceded to on the part of the United States; and the Senate does therefore advise and consent that the agreement for such extension, substantially as contained in the draft thereof transmitted to the Senate with the said message, be made and concluded in due form.

Second. That in the opinion of the Senate it is advisable that the President secure, by negotiation with the Government of Hawaii, the privilege of establishing permanently a proper naval station for the United States in the vicinity of Honolulu, and also a revision and further extension of the schedule of articles to be admitted free of duty from the United States into the Hawaiian Kingdom.

[Communication from the Secretary of State, addressed to the chairman of the Committee on Foreign Relations, relative to the proposed extension of the existing Hawaiian reciprocity treaty.]

DEPARTMENT OF STATE,

Washington, June 17, 1884.

SIR: I have the honor to reply to your verbal inquiries in connection with the existing Hawaiian reciprocity treaty and the proposition to extend the duration thereof for a further fixed term of seven years, which was laid before the Senate by the President on the 5th instant, and is now under consideration by your committee.

Your principal points of inquiry were—

(1) Whether the schedule of articles of the production of the United States admitted to the Hawaiian Islands free of duty may not be enlarged, and, if so, what productions should be added thereto.

(2) Whether a supplementary provision—by an additional article or separate convention—for the establishment by the United States of a convenient coaling station in the Hawaiian Islands would not be expedient.

As to your first point, the schedule found in article 2 of the existing treaty is so full and general as to leave few standard exports of the United States unprovided for. The object in view in framing the free schedule seems to have been to include everything needed for the material and moral development of the Hawaiian people and to exclude articles of luxury. If the list were to be recast, I should favor the addition of earthen, china, glass ware for common domestic use: starch; household ironware when coated with zinc, tin, or enamel: clocks, and the like. Many articles of everyday use, not specifically enumerated in the list, are in practice classed as "manufactures of iron and steel" or as "manufactures of wood or of wood and metal," and in respect to these contentions not unfrequently arise, so that a carefully itemized schedule would be of great convenience.

To introduce changes in the text of the present treaty as a condition of its extension would be, in fact, to negotiate a new treaty, which might call forth opposition both here and in Honolulu and so imperil the interests concerned more than if the question were confined, as now, to the mere assignment of a fresh term of years for the existing convention.

As to the second point, I am disposed to favor an arrangement for establishing a coaling station, or even a naval and repair station, under the flag of this Gov-

ernment, at some available harbor in the Hawaiian Islands. But, for the reasons just assigned, it would seem to be inexpedient to join such a provision to the commercial treaty.

On both points, however, the remedy is at hand. I have been assured, both by the Hawaiian minister here and through our minister at Honolulu, of the readiness of the Hawaiian Government to conclude an agreement, of the nature of an explanatory protocol or declaration, by which the free list of article 2 should be made more explicit and at the same time more comprehensive.

In like manner, if a special and formal treaty were not deemed advisable, the requisite understanding for establishing a naval and coaling station might be reached by a simple protocol not requiring ratification and exchange. Any stipulation as to rental might be made conditional on the passage of the necessary appropriation by Congress. That, however, would require the action of the House as well as that of the Senate.

The accomplishment of both these measures—the revision of the free list and the establishment of a station—could, by the President, as he saw best, be made the condition of acceding to the Hawaiian proposal to extend the treaty seven years. The advice and consent of the Senate to such extension given in advance need not by any means pledge the Executive to concede it unconditionally. On the contrary, all the ends in view could, it seems to me, be most effectively and speedily reached if the President could say to the Hawaiian minister that behind the Senate's vote of approval is a distinct expectation that Hawaii will grant us a revised and enlarged free list and a station, and that when protocols to that effect are agreed upon, they will be signed in company with the formal convention for the extension of the treaty.

All three could then be submitted to the Senate, with the understanding that if the convention for extending the treaty should not be ratified by that body, the protocols, or either of them (although not requiring ratification), would in like manner fall, and the protocols could contain such a provision.

I have the honor to be, sir, your obedient servant,

FRED'K T. FRELINGHUYSEN.

Hon. JOHN F. MILLER,

Chairman Committee on Foreign Relations, Senate.

FORTY-NINTH CONGRESS, SPECIAL SESSION.

March 18, 1885.

Mr. Miller, of California, made the following report:

The Committee on Foreign Relations, to whom was referred the resolutions proposed at an executive session of the Senate March 13, 1885, expressing the judgment of the Senate as to the manner in which any invasion of the territory of Nicaragua or Costa Rica with the professed object of consolidating into one government the Republics of Central America by force of arms and against the wishes of the several republics concerned is regarded by the Senate and ought to be treated by the United States, having considered the same, beg leave to report them back with the recommendation that they do pass with the following amendment, viz:

In line 4 of the first preamble strike out the word "and" before the words "Costa Rica," and insert the words *and San Salvador* after the words "Costa Rica," so that the said first preamble shall read as follows:

"Whereas the Senate of the United States has learned that the Government of the Republic of Guatemala has set on foot, or threatens to set on foot, an invasion of the territories of the Republics of Nicaragua, Costa Rica, and San Salvador, with the professed object of consolidating into one government the Republics of Central America by force of arms and against the wishes of the several Republics concerned;"

and so that the entire resolution shall read as follows:

"Whereas the Senate of the United States has learned that the Gov-

ernment of the Republic of Guatemala has set on foot, or threatens to set on foot, an invasion of the territories of the Republics of Nicaragua, Costa Rica, and San Salvador, with the professed object of consolidating into one government the Republics of Central America by force of arms and against the wishes of the several republics concerned; and

“Whereas there is pending between the United States and the Republic of Nicaragua a treaty providing for the construction of an interoceanic canal across the continent and in the Republic of Nicaragua, for the general benefit of all the Central American Republics as well as the United States, which treaty, it is understood, the Republic of Nicaragua has ratified: Therefore,

“*Be it resolved*, As the judgment of the Senate that, in view of the special and important interests of the United States in conjunction with those of the Republics of Nicaragua and Costa Rica in the interoceanic transit across the continent so in progress of adjustment, any invasion of the territory of Nicaragua or Costa Rica by the forces of Guatemala, under the circumstances and with the purposes before stated, is regarded by the Senate and ought to be treated by the United States as an act of unfriendly and hostile interference with the rights of the United States and of the Republics of Nicaragua and Costa Rica in respect of said matter.

“*Resolved*, That a copy of the foregoing preamble and resolution be transmitted to the President of the United States.”

March 18, 1885.

Mr. Frye made the following report:

The Committee on Foreign Relations, to whom was referred an agreement dated November 16, 1884, to a commercial and customs convention between the United States and the Government of the Khedive of Egypt, having considered the same, beg leave to report it back with the recommendation that the Senate do advise and consent to its ratification.

FORTY-NINTH CONGRESS, FIRST SESSION.

April 14, 1886.

Mr. Morgan made the following report:

The Committee on Foreign Relations, to whom was referred a supplementary convention respecting commercial reciprocity between the United States of America and the Hawaiian Kingdom, concluded January 30, 1875, having considered the same, beg leave to report it back with an amendment, and recommend that the Senate do advise and consent to its ratification with the following amendment:

After Article I, insert the following as Article II:

His Majesty the King of the Hawaiian Islands grants to the Government of the United States the exclusive right to enter the harbor of Pearl River in the island of Oahu, and to establish and maintain there a coaling and repair station for the use of vessels of the United States, and to that end the United States may improve the entrance to said harbor and do all other things needful to the purpose aforesaid.

Change the number of Article II in the original so that it will read Article III.

April 14, 1886.

Mr. Morgan made the following report:

The Committee on Foreign Relations, to whom was referred a convention between the United States and Venezuela for the reopening of the claims of citizens of the United States against that Government under the treaty of April 25, 1866, signed December 5, 1885, having considered the same, beg leave to report it back with amendments, and recommend that the Senate do advise and consent to its ratification as amended.

The amendments are as follows:

Article II, line 8, strike out the word "president" and insert in lieu thereof the word *Government*;

Article V, line 11, after the word "Governments," insert the words *and such further evidence as may be offered to rebut any such new evidence offered on the part of the claimant.*

May 28, 1886.

Mr. Sherman, from the Committee on Foreign Relations, submitted the following report:

The Committee on Foreign Relations, to whom was referred the convention concluded February 20, 1885, between the United States of America and the United States of Mexico for the extradition of criminals, having considered the same, beg leave to report it back with the recommendation that it be amended as hereinafter set forth, and that the Senate do advise and consent to its ratification as so amended.

Insert in paragraph 20 of Article II, after the word "more," the following: *Or receiving stolen property, knowing it to be stolen.*

Strike out all of paragraph 21 and 22 of Article II.

Amend paragraph 23 of Article II as follows: Change the numbering thereof so it shall read 21; strike out of the first line the word "may," as it occurs after the word "extradition," and insert in lieu thereof the word *shall*; insert, after the words "when such attempt is punishable," in lines 2 and 3, the words *as a felony*; strike out the words "by imprisonment or other corporal punishment," in line 4, so that the said paragraph shall read as follows:

"21. Extradition shall also be granted for the attempt to commit any of the crimes and offenses above enumerated when such attempt is punishable as a felony by the laws of both contracting parties."

Strike out of the second line of Article IV the word "they," and insert in lieu thereof the words *the executive authority of each.*

Strike out Article V.

Amend Article VI so that the numbering thereof shall read Article V.

Amend Article VII so that the numbering thereof shall read Article VI.

Amend Article VIII so that the numbering thereof shall read VII, and strike out of the second paragraph thereof after the word "government" the words "or against that of any member of his family, when such attempt comprises the act either of murder or assassination, or of poisoning;" strike out all after the word "offense" in last line, so that said second paragraph as amended shall read as follows:

"An attempt against the life of the head of a government shall not be considered a political offense."

Amend Article IX so that the numbering thereof shall read Article VIII.

Amend Article X so that the numbering thereof shall read Article IX.

Amend Article XI so that the numbering thereof shall read Article X.

Amend Article XII so that the numbering thereof shall read Article XI.

Amend Article XIII so that the numbering thereof shall read Article XII.

Amend Article XIV so that the numbering thereof shall read Article XIII.

Amend Article XV so that the numbering thereof shall read Article XIV.

Amend Article XVI so that the numbering thereof shall read Article XV.

Amend Article XVII so that the numbering thereof shall read Article XVI.

Amend Article XVIII so that the numbering thereof shall read Article XVII.

Amend Article XIX so that the numbering thereof shall read Article XVIII.

June 18, 1886.

Mr. Sherman made the following report:

The Committee on Foreign Relations, to whom was referred the supplementary article to the commercial convention concluded between the United States of America and the United States of Mexico, January 20, 1883, and to the additional article concluded between the same high parties February 25, 1885, having considered the same, beg leave to report it back with the recommendation that the Senate do advise and consent to its ratification.

June 18, 1886.

Mr. Sherman, from the Committee on Foreign Relations, submitted the following report:

The Committee on Foreign Relations, to whom was referred the convention for the extradition of criminals between the United States and Japan, signed at Tokio on the 29th April, 1886, having considered the same, beg leave to report it back with the recommendation that it be amended as hereinafter set forth, and that the Senate do advise and consent to its ratification as so amended.

Insert in paragraph 1 of Article II, after the word "murder," where it first occurs, the word *and*; and strike out the words "and manslaughter."

Strike out all after the word "depositories," in the third line of paragraph 4, in Article II.

Strike out in paragraph 5 of Article II the following words: "Larceny of the value of fifty dollars and upwards, and," so that said paragraph as amended shall read: "5. Robbery."

Strike out all of paragraph 14 in Article II.

Add to the end of Article IV the words, *or for any offense other than that in respect of which the extradition is granted.*

Amend Article VI, as follows: Insert in the first line after the word "telegraph," the words *or other written communication*; insert, in the second line after the word "a," the word *lawful*; and after the word "authority," in same line, the words *upon probable cause*; and in the seventh line, after the word "procure," the words *so far as it lawfully may*, so that said paragraph shall read as follows:

ARTICLE VI.

On being informed by telegraph, or other written communication, through the diplomatic channel that a lawful warrant has been issued by competent authority upon probable cause, for the arrest of a fugitive criminal charged with any of the crimes enumerated in Article II of this treaty, and, on being assured from the same source that a request for the surrender of such criminal is about to be made in accordance with the provisions of this treaty, each Government will endeavor to procure, so far as it lawfully may, the provisional arrest of such criminal, and keep him in safe custody for a reasonable time, not exceeding two months, to await the production of the documents upon which the claim for extradition is founded.

June 18, 1886.

Mr. Sherman made the following report:

The Committee on Foreign Relations, to whom was referred the message of the President of February 4, 1886, with its inclosures, concerning certain modifications in the convention concluded November 12, 1884, between the United States of America and the United States of Mexico touching the boundary line between the two countries, have considered the same and submit the following modifications of said convention, and recommend that the Senate advise and consent to the changes:

In the heading of the convention substitute the word *Colorado* instead of the word "Gila."

In the third line of the preamble, after "1848," insert the words *and of the first article of that of December 30, 1853*, and strike out the word "Gila" in the fifth line, after the word "Rio," and insert in lieu thereof the word *Colorado*.

Strike out the word "facings," in the ninth line of Article III, and insert in lieu thereof the word *revetments*.

Strike out the word "Gila" after the word "Rio," in the eleventh line of Article V, and insert in lieu thereof the word *Colorado*.

June 18, 1886.

Mr. Sherman made the following report:

The Committee on Foreign Relations, to whom was referred "an additional article, signed December 5, 1885, extending for a period of eighteen months from the date of the exchange of ratifications of the same the provisions of Article VIII of the convention of July 29, 1882, between the United States and Mexico, in regard to the resurvey of the boundary line," beg leave to report it back with the recommenda-

tion that it be amended as hereinafter set forth, and that the Senate do advise and consent to its ratification as so amended.

Strike out, in the seventh line of said additional article, the words "date of the exchange of ratifications of this additional article," and substitute in lieu thereof, after the word "the," the words following: *expiration of the term fixed in Article VIII of said treaty of July 29, 1882.*

July 8, 1886.

Mr. Edmunds made the following report:

The Committee on Foreign Relations, to whom was referred the subject of providing for the early building of a ship canal to connect the Atlantic and Pacific oceans, by way of Lake Nicaragua, having had the same under consideration, beg leave to report the accompanying resolution, and to recommend its adoption by the Senate:

Resolved, As the judgment of the Senate, that the United States ought, with the consent and concurrence of the Republic of Nicaragua, to take measures for the early building of a ship canal connecting the Atlantic and Pacific oceans, by way of Lake Nicaragua, for the benefit of the people of the United States and of the Republic of Nicaragua and of the other Republics of Central America, and also for the general advantage of the trade and commerce of all nations.

July 17, 1886.

Mr. Sherman, from the Committee on Foreign Relations, submitted the following report:

The Committee on Foreign Relations, to whom was referred the "Message from the President of the United States transmitting a convention between the United States and Great Britain concerning the extradition of persons charged with crime, signed at London, June 25, 1886, being an amended extension of the provisions of Article X of the treaty of 1842," having had the same under consideration, beg leave to report it back with the recommendation that the said convention be amended as follows, viz: After the word "manslaughter," in line 4 of Article I, insert the words *2. Rape*; change the numbering of subsequent sections or clauses of Article I so that the clause numbered 2 in the original convention shall be numbered 3, 3 shall be numbered 4, and 4 shall be numbered 5; strike out of line 3 of section or clause 5, as amended (4 in the original), the words "both the High Contracting Parties," and insert in lieu thereof the words *the place where the offense shall be committed*; and that the Senate advise and consent to the ratification of the same as so amended.

FORTY-NINTH CONGRESS, SECOND SESSION.

December 22, 1886.

[Senate Report No. 1621.]

Mr. Edmunds, from the Committee on Foreign Relations, submitted the following report:

The Committee of the Senate on Foreign Relations, to which was

referred so much of the late message of the President as relates to foreign affairs, respectfully reports on the subject of the as yet unexecuted provisions of article 2 of the treaty concluded between the United States and the Emperor of China on the 17th day of November, 1880, and proclaimed on the 5th day of October, 1881.

This article is in the following words:

ARTICLE II.

The Governments of China and of the United States mutually agree and undertake that Chinese subjects shall not be permitted to import opium into any of the ports of the United States; and citizens of the United States shall not be permitted to import opium into any of the open ports of China; to transport it from one open port to any other open port, or to buy and sell opium in any of the open ports of China. This absolute prohibition, which extends to vessels owned by the citizens or subjects of either power, to foreign vessels employed by them, or the vessels owned by the citizens or subjects of either power and employed by other persons for the transportation of opium, shall be enforced by appropriate legislation on the part of China and the United States; and the benefits of the favored-nation clause in existing treaties shall not be claimed by the citizens or subjects of either power against the provisions of this article.

It will be seen from this article that the two Governments undertook, without any limitation or qualification whatever, to repress the importation into the United States by Chinese subjects and the importation by citizens of the United States of opium into any of the open ports of China, or its transportation from one open port to another, or the buying and sale of opium in any of such open ports, etc.

It is well known that the opium traffic in China is one of the greatest social evils with which that Government has to contend, and that its action in endeavoring to repress it is greatly embarrassed by the circumstance that Hongkong, which is for all practical, geographical, and commercial purposes a port of China, is under complete and exclusive British jurisdiction, and that the existing state of the relations between China and Great Britain is such that it appears at present impracticable for the Government of China to repress the opium traffic from Hongkong into the Empire. It thus becomes the more important that the United States, holding friendly and intimate commercial relations with China, and wishing for it the development of its trade, its social autonomy, and success in the desire of its Government to extirpate the enormous social evil of the misuse of opium, to do everything in its power to assist the Government of China in so good a work, and especially to fulfill to the utmost the engagements on the subject into which our Government has solemnly and sincerely entered. The committee therefore earnestly recommend that the accompanying bill be passed at the earliest practicable time. It will be seen that the bill is framed with a view to the strict fulfillment of article 2 of the treaty referred to, and does not undertake to do any other or different thing than to carry out in good faith the stipulations of our country on the subject.

It may be desirable to state in this report what are now, under the treaties between the United States and China, the ports that are open to our vessels. By the treaty of 1844, negotiated by Mr. Cushing (Vol. of Treaties, p. 131, article 3), five free or open ports are provided for, viz, Kwang-Chow, Amoy, Fuchow, Ningpo, and Shanghai. And the same treaty provided, in its seventeenth article (p. 135), that citizens of the United States should have the right to obtain houses, places of business, etc., at those ports.

By article 21 of the same treaty it was provided that citizens of the

United States committing crimes in China should be dealt with only by the authorities of the United States (p. 136); but by that treaty it was provided (article 33, p. 139) that citizens of the United States who should trade in opium or any other contraband article of merchandise should be subject to be dealt with by the Chinese Government without being entitled to any countenance or protection from that of the United States.

By the treaty of 1858, negotiated by Mr. Reed (Vol. of Treaties, p. 145), it was provided (Article XI, p. 148) that citizens of the United States committing any "improper"—i. e., illegal—act in China should be punished only by the authorized officials of the United States and according to their law, and that arrests in order to trial might be made by the authorities of either country. This provision in this latter treaty may perhaps be fairly considered as superseding the provisions in the treaty of 1844 remitting to the jurisdiction of the Chinese authorities the violators of the opium laws of the Empire, although, as the former provision was special in regard to one topic, it may not be clear that the later provision just referred to would supersede or repeal the former special one. The twelfth article of the same treaty of 1858 (p. 148) again provides for citizens of the United States acquiring by lease, etc., houses and places of business, hospitals, churches, etc., and for their protection.

The fourteenth article of the same treaty states that "the open ports which the citizens of the United States should be permitted to frequent are the ports and cities of Canton, Chau-Chau, or Swatow, in the province of Guangtun; Amoy, Fuh-Chu, and Tai-Wau, in Formosa, in the province of Fuh-Kien; Ningpo, in the province of Cheh-Kiang; and Shanghai, in the province of Kiang-Su, and any other port or places hereafter by treaty with other powers or with the United States open to commerce, and to reside with their families and trade there, and to proceed at pleasure with their vessels and merchandise from any of these ports to any other of them. But said vessels shall not carry on a clandestine and fraudulent trade at other ports of China not declared to be legal, or along the coast thereof; and any vessel under the American flag violating this provision shall, with her cargo, be subject to confiscation to the Chinese Government; and any citizen of the United States who shall trade in any contraband article of merchandise shall be subject to be dealt with by the Chinese Government without being entitled to any countenance or protection from that of the United States."

Thus it will be seen that by the treaty of 1858, as well as by the preceding treaties of 1844, citizens of the United States violating the laws of China in regard to prohibited traffic are subject to the sole jurisdiction of the Chinese courts and authorities for trial and punishment, just as is the case in the United States in respect of every offense against its laws, and as is the case in respect of all the principal and civilized nations of the globe.

The treaty of 1868, negotiated by Mr. Burlingame (Vol. of Treaties, p. 165), does not appear to contain any provisions changing the status of the matters hereinbefore stated.

The treaty concluded November 17, 1880, by Messrs. Angell, Swift, and Trescott (Stat. L., vol. 22, p. 828), contains the article at the opening of this report, and contains no provision other than that article touching the special subject now under consideration.

In respect of the punishment for the violation of the second article of this last treaty, it may be open to consideration whether the pro

vision for compelling observance of that article withdraws from the ordinary and natural jurisdiction of China the punishment for offenses committed by citizens of the United States against its laws, for the only provision in that article touching its enforcement is in the following words: That its prohibitions "shall be enforced by proper legislation on the part of China and the United States."

Without the provisions in the preceding treaties, which have seemed to come at last to the point of leaving it to be the right and duty of the United States to punish its own citizens for the violations of the laws of China in respect of the subjects mentioned in the various treaties, it would not be easy to maintain that by this latter treaty citizens of the United States committing in China offenses against its laws and regulations should be brought to justice only through and under the judicial authority of our own country. If this inference should be asserted in favor of the United States on the second article of this last treaty, it apparently could be equally asserted on the part of the Empire of China in respect of its own subjects, for the language of this article is in this respect perfectly identical and equal as to both parties. Assuming, however, that the Government of China is willing to trust the United States to compel obedience on the part of our own citizens to these treaty stipulations and withdraw her natural jurisdiction over such offenses, it only adds to the urgency of our own Government providing for the trial and punishment of our citizens offending against the provisions of this treaty. It seems, therefore, to the committee that this is a case in which it is the bounden duty of our own Government to proceed with diligence to provide for the actions referred to and to show by positive and effective legislation that it intends to keep to the utmost its obligations created by treaty stipulations. All of which is respectfully submitted.

GEO. F. EDMUNDS,
For the Committee.

[Executive H.]

January 12, 1887.

Mr. Morgan, from the Committee on Foreign Relations, submitted the following report:

The Committee on Foreign Relations, to whom was referred the message from the President of the United States transmitting "A convention between the United States and Great Britain concerning the extradition of persons charged with crime, signed at London, June 25, 1886, being an amended extension of the provisions of Article X of the treaty of 1842," having considered the same, report back the said convention with the recommendation that it be amended by inserting after the words "High Contracting Parties," in the last line of the paragraph or clause numbered 4, in Article I, the following words: *or according to the laws of that political division of either country in which the offense shall have been committed, and of that political division of either country in which the offender shall be arrested;* so that it shall read as follows:

Whereas by the 10th Article of the Treaty concluded between the United States of America and Her Britannic Majesty on the 9th day of August, 1842, provision is made for the Extradition of persons charged with certain crimes;

And whereas it is now desired by the High Contracting Parties that

the provisions of the said Article should embrace certain crimes not therein specified, and should extend to fugitives convicted of the crimes specified in the said Article and in this Convention;

The said High Contracting Parties have appointed as their Plenipotentiaries to conclude a convention for this purpose, namely:

The President of the United States of America, Edward John Phelps, Envoy Extraordinary and Minister Plenipotentiary of the United States to the Court of St. James, &c., &c.—

And Her Majesty The Queen of the United Kingdom of Great Britain and Ireland, the Right Honorable Archibald Philip, Earl of Rosebery, Her Majesty's Principal Secretary of State for Foreign Affairs, &c &c,

Who, after having communicated to each other their respective Full Powers, found in good and due form, have agreed upon the following Articles:

ARTICLE I.

The provisions of the 10th Article of the said Treaty shall be and are hereby extended so as to apply to and comprehend the following additional crimes not mentioned in the said Article, namely:

1. Manslaughter.
2. Burglary.
3. Embezzlement or larceny of the value of 50 dollars or £10 and upwards.

4. Malicious injuries to property whereby the life of any person shall be endangered, if such injuries constitute a crime according to the laws of both the High Contracting Parties, *or according to the laws of that political division of either country in which the offense shall have been committed, and of that political division of either country in which the offender shall be arrested.*

And the Provisions of the said Article shall have the same effect with respect to the extradition of persons charged with any of the said crimes as if the same had been originally named and specified in the said Article.

ARTICLE II.

The provisions of the 10 Article of the said Treaty, and of this convention shall apply to persons convicted of the crimes therein respectively named and specified, whose sentence therefor shall not have been executed.

In the case of a fugitive criminal alleged to have been convicted of the crime for which his surrender is asked, a copy of the record of the conviction and of the sentence of the court before which such conviction took place, duly authenticated, shall be produced, together with evidence proving that the prisoner is the person to whom such sentence refers.

ARTICLE III.

This Convention shall not apply to any of the crimes herein named and specified which shall have been committed, or to any conviction which shall have been pronounced, prior to the date when the convention shall come into force.

ARTICLE IV.

No fugitive criminal shall be surrendered under the provisions of the said Treaty, or of this Convention, if the crime in respect of which

his surrender is demanded be one of a political character, or if he prove to the competent authority that the requisition for his surrender has in fact been made with the view to try or punish him for a crime of a political character.

ARTICLE V.

A fugitive criminal surrendered to either of the High Contracting Parties under the provisions of the said Treaty or of this Convention shall not, until he has had an opportunity of returning to the State by which he has been surrendered, be detained or tried for any crime committed prior to his surrender other than the extradition crime proved by the facts on which his surrender was granted.

ARTICLE VI.

The extradition of fugitives under the provisions of the said Treaty and of the present Convention shall be carried out in the United States and in Her Majesty's dominions respectively, subject to, and in conformity with, the laws regulating extradition for the time being in force in the surrendering State.

ARTICLE VII.

This Convention shall be ratified, and the ratifications shall be exchanged at London as soon as possible.

It shall come into force ten days after its publication, in conformity with the forms prescribed by the laws of the High Contracting Parties, and shall continue in force until one or the other of the High Contracting Parties shall signify its wish to terminate it, and no longer.

In witness whereof the undersigned have signed the same and have affixed thereto their seals.

Done at London the twenty-fifth day of June, 1886

[SEAL]
[SEAL]

EDWARD JOHN PHELPS.
ROSEBERRY.

And that the Senate do advise and consent to the ratification of the said convention as so amended.

FIFTIETH CONGRESS, FIRST SESSION.

January 12, 1888.

Mr. Morgan made the following report:

The Committee on Foreign Relations, to whom was referred the message from the President of the United States, transmitting a convention between the United States and Great Britain, concerning the extradition of persons charged with crime, signed at London, June 25, 1886, being an amended extension of the provisions of Article X of the treaty of 1842, having had the same under consideration, beg leave to report it back, with the recommendation that the said convention be amended as follows, viz:

Article I, section 4, line 1, after the words "Malicious injuries to" insert the words *persons or*; after the word "property" in the same line insert the words, *by the use of explosives, or malicious injuries or*

obstructions to railways; same section, after the words "High Contracting Parties" insert the words, or according to the laws of that political division of either country in which the offense shall have been committed, and of that political division of either country in which the offender shall be arrested.

So that the section shall read as follows:

"4. Malicious injuries to persons or property by the use of explosives, or malicious injuries or obstructions to railways whereby the life of any person shall be endangered, if such injuries constitute a crime according to the laws of both the High Contracting Parties, or according to the laws of that political division of either country in which the offense shall have been committed, and of that political division of either country in which the offender shall be arrested."

And that the Senate do advise and consent to the ratification of the said treaty as so amended.

February 1, 1888.

[Senate Miscellaneous Document No. 64.]

Mr. Dolph made the following report:

The Committee on Foreign Relations, to whom was referred, December 19 last, in executive session, the following resolution, to wit:

Resolved, That the President, if in his judgment not incompatible with the public interests, be requested to transmit to the Senate copies of all official correspondence between this Government and the representatives of the Kingdom of the Hawaiian Islands concerning the ratification of the treaty between the United States of America and the said Kingdom of the Hawaiian Islands proclaimed the 9th of November last,

having had the same under consideration, respectfully report:

That it appears from a letter of the Secretary of State to the chairman of the committee, dated January 9, 1888, and accompanying documents, copies of which are hereto appended, that the correspondence called for by said resolution has already been made public, and will be published in the volume of Foreign Relations for 1887.

The committee therefore recommend that the resolution do not pass.

DEPARTMENT OF STATE,
Washington, January 9, 1888.

SIR: In your letter of the 7th instant you state that you are directed by the Committee on Foreign Relations to inquire whether there is any objection to a call for the correspondence concerning the ratification of the treaty between the United States and the Kingdom of the Hawaiian Islands, proclaimed November 9 last.

With full appreciation of your courtesy in bringing this matter to my knowledge in advance of the action of the committee thereon, I suggest in reply that a formal call for the correspondence in question is not necessary, inasmuch as it has already been transmitted to the Public Printer for publication in the volume of Foreign Relations for 1887, and has also been made public by the Hawaiian Government.

I inclose page proof from the forthcoming volume of Foreign Relations, containing the correspondence desired, and return, as requested, the copy of the resolution annexed to your letter.

I have the honor to be, sir, your obedient servant,

T. F. BAYARD.

Hon. JOHN SHERMAN,
Chairman of the Committee on Foreign Relations.

Mr. Bayard to Mr. Carter.

No. 381.]

DEPARTMENT OF STATE,
Washington, September 22, 1887.

SIR: I have the honor to invite your attention to the present status of the supplementary convention, signed December 6, 1884, by my predecessor, the late Frederick T. Frelinghuysen, and yourself as the envoy extraordinary and minister plenipotentiary of His Majesty the King of Hawaii, for a postponement of the term within which notification of the termination of the existing convention of January 30, 1875, between the United States and Hawaii may be given by either party to the other, as therein provided.

That the supplementary convention having been submitted to the Senate of the United States, that body, on the 20th of January last, two-thirds of the Senators present concurring, advised and consented that it be ratified, with the following amendments:

"After Article I insert the following as Article II:

"His Majesty the King of the Hawaiian Islands grants to the Government of the United States the exclusive right to enter the harbor of Pearl River, in the island of Oahu, and to establish and maintain there a coaling and repair station for the use of vessels of the United States, and to that end the United States may improve the entrance to said harbor and do all other things needful to the purpose aforesaid.

"Change the number of Article II in the original so that it will read Article III."

The President, having considered the convention and the amendments thereto as so advised and consented to by the Senate, is desirous that the same be accepted by His Majesty as amended, in order that ratifications may be exchanged.

As the result of verbal conferences heretofore held by us in relation to this subject, I have the honor to communicate to you the action of the Senate upon the said supplementary convention, in order that the convention as amended and advised and consented to by the Senate of the United States may be submitted to the consideration of the Government of His Majesty the King of Hawaii.

If, as the personal interchange of views between us leads me to expect, the amendments of the Senate shall be approved by the Government of His Majesty the King, it will be necessary to embody them in the ratification of His Majesty.

For your convenience I append the text of the convention, with the Senate's amendments therein included.

Asking that you will transmit this announcement to your Government, with expression of the President's desire for the early confirmation of a measure so well calculated to strengthen and preserve the intimate and mutually beneficial relations which have been established between the United States and Hawaii under the operation of the existing convention, to which the present instrument is supplementary, I avail myself, etc.,

T. F. BAYARD.

[Inclosure.]

Supplementary convention to limit the duration of the convention respecting commercial reciprocity between the United States of America and the Hawaiian Kingdom, concluded January 30, 1875.

Whereas a convention was concluded between the United States of America and His Majesty the King of the Hawaiian Islands, on the thirtieth day of January, 1875, concerning commercial reciprocity, which, by the fifth article thereof, was to continue in force for seven years from the date after it was to come into operation, and further, until the expiration of twelve months after either of the high contracting parties should give notice to the other of its wish to terminate the same; and

Whereas the high contracting parties consider that the increase and consolidation of their mutual commercial interests would be better promoted by the definite limitation of the duration of the said convention:

Therefore, the President of the United States of America, and His Majesty the King of the Hawaiian Islands have appointed:

The President of the United States of America, Frederick T. Frelinghuysen, Secretary of State; and

His Majesty the King of the Hawaiian Islands, Henry A. P. Carter, accredited to the Government of the United States as His Majesty's envoy extraordinary and minister plenipotentiary;

Who having exchanged their respective powers, which were found sufficient, and in due form, have agreed upon the following articles:

ARTICLE I.

The high contracting parties agree, that the time fixed for the duration of the said convention shall be definitely extended for a term of seven years from the date of the exchange of the ratifications hereof, and further, until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wish to terminate the same, each of the high contracting parties being at liberty to give such notice to the other at the end of the said term of seven years or at any time thereafter.

ARTICLE II.

His Majesty the King of the Hawaiian Islands grants to the Government of the United States the exclusive right to enter the harbor of Pearl River, in the island of Oahu, and to establish and maintain there a coaling and repair station for the use of vessels of the United States, and to that end the United States may improve the entrance to said harbor and do all other things needful to the purpose aforesaid.

ARTICLE III.

The present convention shall be ratified and the ratifications exchanged at Washington as soon as possible.

In witness whereof the respective plenipotentiaries have signed the present convention in duplicate and have hereunto affixed their respective seals.

Done at the city of Washington the 6th day of December, in the year of our Lord 1884.

FREDK. T. FRELINGHUYSEN. [L. S.]
HENRY A. P. CARTER. [L. S.]

Mr. Carter to Mr. Bayard.

No. 382.]

HAWAIIAN LEGATION,
Washington, September 23, 1887.

SIR: I have the honor to acknowledge the receipt of your note of yesterday's date, in which you invite my attention to the present status of the supplementary convention, signed December 6, 1884, between your predecessor, the late Mr. Frederick T. Frelinghuysen, and myself, and inform me that the Senate of the United States had advised and consented to the ratification of that supplementary convention, with certain amendments which you communicate to me, stating that the President, having considered the convention and amendments, desires that the same be accepted by His Majesty the King of Hawaii as amended, in order that ratifications may be exchanged, and asking me to transmit this announcement to my Government.

The amendment which you now communicate officially to me was inserted into the convention in secret session of the Senate, and no opportunity was given for mutual consultation and consideration of its terms: consequently my Government has had no part in its construction and could not have suggested any changes in its wording to guard against misapprehension. Under these circumstances it becomes proper in me, before transmitting it to my Government, to ascertain the views of the Government of the United States as to the construction proper to be put upon the interpolated article.

The first question of construction has reference to the effect of the license or right to enter the harbor of Pearl River upon the jurisdiction of the Hawaiian Government over that harbor. It would seem to be clear that the question of Hawaiian jurisdiction is left untouched by the article, and that in the event of the United States Government availing itself of the right stipulated for, the autonomous control of the Hawaiian Government remains the same as its control over other harbors in the group where national vessels may be, except that the article in accordance with Article IV of the existing convention prevents the Hawaiian Government from granting similar exclusive privileges during the continuance of the convention to any other nation.

As no special jurisdiction is stipulated for in the article inserted by the Senate, it can not be inferred from anything in the article that it was the intention of the

Senate to invade the autonomous jurisdiction of Hawaii and to transfer the absolute property in and jurisdiction over the harbor to the United States.

To satisfy the natural and proper susceptibilities of Hawaiians, of which, as I have heretofore informed you, strong intimations have emanated from those charged with the administration of my Government in their communications to me, I take occasion to say that I consider it probable that my Government will desire that its understanding of the article in this respect shall be made known to the Government of the United States.

Another point which may to some minds be left in doubt would be the duration of the license or right granted by the interpolated article.

The article mentions no special term for the continuance of the privileges, but as the whole and only purpose of the convention into which the article was inserted was, as stated in its preamble, to fix the definite limitation of the duration of the existing convention providing for the reciprocal exchange of privileges, to which this privilege is added by virtue of this interpolated article, it follows, in the absence of any stipulation to the contrary, that its term of duration would be the same as that fixed for the other privileges given by the original convention.

The only excuse for the insertion of such an article into a treaty of this nature would be its relevancy to the privileges stipulated for in the original convention of 1875, to which this is supplementary, and the duration of which this convention is intended to limit and define.

No separate single article or part of a treaty can be held to have a continuing power apart from the rest of the treaty, unless provided for in specific terms. The supplementary provisions and the original provisions which they affect are necessarily merged into one instrument to be dealt with thenceforth as a whole.

It could not have been expected in the Senate that Hawaii would consent to a perpetual grant of the privilege sought in return for a seven years' extension of the term of the treaty of 1875, especially in view of the danger of a material lessening of the advantages to Hawaii by changes in the tariff laws of the United States, and it must be apparent that if any different term of duration was intended it would have been stipulated for, as it can not be thought that the Senate had any other intent than that plainly set forth.

Therefore the conclusion which I have reached, and which I think is the obvious conclusion to be drawn from the words of the interpolated article, is that it does not and is not intended to invade or diminish in any way the autonomous jurisdiction of Hawaii, while giving to the United States the exclusive rights of use in Pearl Harbor stipulated therein, for the sole purpose stated in the article; and further, that the Article II of the convention and the privileges conveyed by it will cease and determine with the termination of the treaty of 1875, under the conditions fixed by this convention.

I apprehend that my Government will agree with my conclusions, and that in considering the advisability of ratifying the convention with the amendment inserted by the United States Senate, my sovereign will doubtless be aided in coming to a favorable conclusion if it shall be found that on these questions of interpretation of a convention the two Governments do not differ, and the Hawaiian Government will doubtless desire that their understanding, which I believe that I have set forth in this note, shall be fully understood by the Government of the United States before ratifications are exchanged.

With renewed assurances, etc.,

H. A. P. CARTER.

Mr. Bayard to Mr. Carter.

No. 383.]

DEPARTMENT OF STATE,
Washington, September 23, 1887.

SIR: I have the honor to acknowledge the receipt of your note of to-day's date, in response to mine of the 22d instant touching the pending supplementary convention between the United States and His Majesty the King of the Hawaiian Islands.

The amendment relating to the harbor of Pearl River was adopted, in its executive sessions, by the Senate, and I have no other means of arriving at its intent and meaning than the words employed naturally import.

No ambiguity or obscurity in that amendment is observable, and I can discern therein no subtraction from Hawaiian sovereignty over the harbor to which it relates, nor any language importing a longer duration for the interpolated Article II than is provided for in Article I of the supplementary convention.

The limitation of my official powers does not make it competent for me in this connection to qualify, expand, or explain the amendments ingrafted on that convention by the Senate, but in the present case I am unable to perceive any need for auxiliary interpretation or ground for doubt as to the plain scope and meaning thereof; and, as the President desires a ratification of the supplementary convention in its present shape, I can see no cause for any misapprehension by your Government as to the manifest effect and meaning of the amendment in question.

I therefore trust that it will be treated as it is tendered, in simple good faith, and accepted without doubt or hesitation.

Accept, sir, etc.,

T. F. BAYARD.

Mr. Carter to Mr. Bayard.

No. 384.]

HAWAIIAN LEGATION,
Washington, November 5, 1887.

SIR: I have the honor to inform you that I have received from Honolulu a copy of the supplementary convention negotiated in this city in December, 1884, between the late Mr. Frelinghuysen and myself, as amended by the Senate of the United States during the last session of Congress, duly signed by His Majesty the King of Hawaii, together with full power to exchange the ratification of His Majesty for that of the President of the United States.

The notes exchanged between yourself and this legation on the 23d of September last removed any objections previously existing to the ratification of the convention as amended, and if you will kindly name a day and hour when it will be convenient to you to exchange the ratifications, I shall take pleasure in waiting upon you for that purpose.¹

With renewed assurance, etc.,

H. A. P. CARTER.

April 6, 1888.

Mr. Sherman made the following report:

The Committee on Foreign Relations, to whom was referred the treaty between the United States and Zanzibar, concluded July 3, 1886, enlarging and defining the stipulations of the treaty of September 21, 1833, between the United States and His Majesty Seyed Syed Bin, Sultan of Muscat and Sovereign of Zanzibar, having had the same under consideration, beg leave to report it back with the following amendments:

In the preamble, line 12, strike out the word "said."

Article II, line 1, strike out the words "and Consular Agents."

Same article, line 3, after the word "shall," insert the words: *in addition to the rights, powers, and immunities secured by said article.*

And that the Senate do advise and consent to the ratification of the said treaty as so amended.

May 2, 1888.

Mr. Sherman made the following report:

The Committee on Foreign Relations, to whom was referred the convention between the United States and China, for the exclusion hereafter of Chinese laborers from coming to the United States, signed and concluded at Washington, March 12, 1888, having had the same under consideration, beg to report it back to the Senate with the recommendation that the said convention be amended, as follows, viz.,

At the end of Article I add the following: *And this prohibition shall*

¹The ratifications of the supplementary article of December 6, 1884, were exchanged November 9, 1887.

extend to the return of Chinese laborers who are not now in the United States, whether holding return certificates under existing laws or not.

At the end of Article II add the following: *And no such Chinese laborer shall be permitted to enter the United States by land or sea without producing to the proper officer of the customs the return certificate herein required,*

And that the Senate do advise and consent to the ratification of the said convention as so amended.

May 6, 1888.

Mr. Sherman made the following report:

The Committee on Foreign Relations, to whom was referred the treaty of friendship, commerce, and navigation between the United States and the Republic of Peru, signed at Lima, August 31, 1887, having had the same under consideration, beg leave to report the treaty back to the Senate with the recommendation that the following amendments be agreed to:

Article XII, next to the last line of the article, after the word "duty," strike out the word "import" and insert in lieu thereof the word *impost*;

Article XXVII, line 11, after the word "order," strike out the word "therefore" and insert in lieu thereof the word *therefor*;

Article XXXV. Strike out the whole of section 4 of this article, in the following words:

"4th. The high contracting parties engage themselves to consider the Chief Executives of the two countries authorized to arrange in a friendly and definite manner the claims and other questions pending between the two Governments, as also such as may hereafter arise. With this object, and when they may consider it necessary, the said Executives will submit the adjustment of such matters to the decision of an arbitrator, or of an arbitrating commission, whose form of appointment, duties, and procedure necessary in pronouncing decisions, and expenses incident thereto, will be arranged by agreement or convention, for the determination of which the said Executives will be considered equally empowered by the fact of the ratification of the present treaty. As the object of these provisions is to avoid that the high contracting parties should resort to acts of hostility, reprisals, or aggression of any nature, without exerting themselves, of preference, through appeal to arbitration, in order to arrange their differences, it is declared that these do not exclude the right of resort to other means of national redress in case of necessity. But in event of having resorted to arbitration the decision or decisions of the arbitrator or arbitrators shall be respected and held inviolable."

Article XXV. Change the number of section "5th" in the original to section 4th as amended;

And that the Senate do advise and consent to the ratification of the said convention as so amended.

May 7, 1888.

[See pp. 610, 615, Vol. V.]

[Senate Executive Report No. 3.]

Mr. Edmunds, from the Committee on Foreign Relations, submitted the following report (Executive No. 3) on the treaty (Ex. M.) between

the United States and Great Britain, concerning the interpretation of the convention of October 20, 1818, signed at Washington February 15, 1888; which, together with the views of the minority on the same subject, submitted by Mr. Morgan, was ordered to be printed in confidence for the use of the Senate.

The Committee on Foreign Relations, to which was referred the message of the President of the United States of the 20th February last, transmitting a proposed treaty between the United States and Great Britain, concerning the interpretation of the convention of the 20th October, 1818, signed at Washington February 15, 1888, respectfully reports:

That it has had the said proposed treaty under careful and deliberate consideration and that it returns herewith a resolution in the ordinary form for its ratification, with the expression of its opinion that said resolution ought not to be adopted.

As preliminary to a consideration of the text of the treaty itself in its various aspects, the committee thinks it proper to give a brief résumé of the history of the fisheries question and other matters relating to the intercourse between the United States and the British dominions of North America having more or less relation thereto.

Before the Revolution the inhabitants of all the British colonies in North America possessed as a common right the right of fishing on all the coasts of British North America, and these rights were, in a broad sense, prescriptive and accustomed rights of property. At the end of the Revolution and by the treaty of peace of 1783, which adjusted the boundaries between the dominions of the two powers, it was (Article III)—

Agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank and on all the other banks of Newfoundland: also in the Gulf of St. Lawrence and at all other places in the sea where the inhabitants of both countries used at any time heretofore to fish, and also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island), and also on the coasts, bays, and creeks of all other of His Britannic Majesty's dominions in America.

This was a grant or recognition of a property right agreed upon on a consideration, viz, the adjustment of the boundaries and the other engagements into which the United States by that treaty entered. As to the open-sea fishing, it was merely a recognition of a right common to all nations, and as to the fishing within the municipal dominion of His Majesty, on his coasts, bays, and creeks, it was an agreement that these rights theretofore existing in all British subjects should of right belong to those British subjects who by force of the Revolution had become the citizens of an independent nation; and thus it was, in the partition of the territory, a reservation in favor of the people of the United States of a right which they, as British subjects, had theretofore lawfully enjoyed.

From 1783 until the war of 1812 between the two countries, citizens of the United States continued to enjoy the ancient rights belonging to them as subjects of Great Britain before the Revolution and reserved to them as citizens of the United States after it, with the full freedom secured by the article last referred to. During this period of time other subjects of difference and negotiation arose between the two countries which were disposed of by the treaties of 1794, with its explanatory articles, and of 1802; but the fishery provision of 1783 continued to exist unquestioned and apparently as having been, as it plainly purported to be, a treaty disposing of and

adjusting property rights which had become by force of its own operation an executed contract.

The treaty of peace concluded on December 24, 1814, at the close of the war of 1812, provided:

First, for a restoration to each party of all countries, territories, etc., taken by either party during the war, without delay, saving some questions of islands in the bay of Passamaquoddy.

Secondly, it provided for disposition of prizes and prisoners of war.

Thirdly, it provided for questions of boundary and dominion regarding certain islands and for the settlement of the northeastern boundary, and also for the northwestern boundary, etc. It made no reference whatever to any question touching the fisheries mentioned in the treaty of 1783.

The commercial treaty concluded on the 3d of July, 1815, between the two countries provided for reciprocal liberty of commerce between all the territories of Great Britain *in Europe* and the territories of the United States, but left without any new treaty stipulation or obligation commercial intercourse between British dominions in North America and the United States remaining under the exclusive control of each.

But after the conclusion of the treaties following the war of 1812, there being then no treaty obligations or reciprocal laws in force between or in either of the countries respecting commercial intercourse, the British Government set up the pretension that the fishing rights recognized and secured to citizens of the United States by the treaty of 1783 had become abrogated in consequence of the war of 1812, which, on the principle of the war annulling all unexecuted engagements between the two belligerents, it was contended, annulled the fishing rights described in the treaty of 1783, and that the citizens of the United States had, therefore, no longer the right to fish in any of the British North American waters. This pretension led to the conclusion of the treaty of the 20th October, 1818, the fisheries article of which provided that (Article I)—

Whereas differences have arisen respecting the liberty, claimed by the United States for the inhabitants thereof, to take, dry, and cure fish on certain coasts, bays, harbors, and creeks of His Britannic Majesty's dominions in America, it is agreed between the high contracting parties that the inhabitants of the said United States shall have forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands; on the western and northern coast of Newfoundland from the said Cape Ray to the Quirpon Islands, on the shores of the Magda'en Islands, and also on the coasts, bays, harbors, and creeks from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson Bay Company: And that the American fishermen shall also have liberty forever to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland, above described, and of the coast of Labrador; but so soon as the same or any portion thereof shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America not included within the above-mentioned limits: *Provided, however,* That the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

This arrangement divided, and limited in territorial extent, the fishing rights of the people of the United States, that had existed while they were British subjects and had been recognized and existed under the treaty of peace of 1783 until the war of 1812, and it provided for a continuance of the ancient rights of fishing on certain named parts of the coasts of British North America, and its islands, and in their bays, harbors, and creeks, etc. It also provided for a renunciation by the United States of preexisting rights to take fish, etc., "within 3 marine miles of any of the coasts, bays, creeks, or harbors" of His Majesty's dominions in British North America, not included within the previously mentioned limits, but with a proviso, as a reservation upon the renunciation of the right to fish, that the—

American fishermen shall be admitted to enter such bays or harbors for the purposes of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purposes whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

It will be observed that the ancient right continued in all its force in every bay, harbor, and creek of a described territory and that the renunciation of the right to fish on other coasts, bays, harbors, and creeks is in the same language, and is perfectly correlative to the first, and that the line of British municipal dominion was recognized and stated to be a line 3 marine miles from these British coasts, bays, creeks, and harbors, and that this renunciation was both in substance and form a renunciation only of a right to fish and to exercise the incidents of the fishing, as drying, etc., and that the proviso to that renunciation admitted the American fishermen to enter such waters, bays, and harbors for the specific purposes necessary to them in their character as fishermen only, and not having the slightest reference, either expressly or by implication, to any fishing or other vessel of the United States and sailing under their flag entering any port of His Majesty's dominions anywhere for any commercial or trading purpose. And these entries into exclusively British fishing waters of fishing vessels (the only ones entitled to be there at all) were to be under such restrictions, and such only, as should be necessary to prevent their exercising the fishing rights that had been renounced and abusing the privileges of such entry so reserved; that is, by doing the renounced thing, viz, the taking and curing of fish, or violating the British laws excluding all American trading vessels.

It is to be kept clearly in view that at the time of the conclusion of this treaty of 1818, and for twelve years afterwards, no American vessel had any right to enter any port of British North America, with the few exceptions named in the mutual arrangements of 1820 and 1823, hereinafter stated. The treaty of 1815 and the British laws and policy reserved the whole trade and intercourse with the ports of these colonies to her own vessels, and, reciprocally, there was no law or treaty of the United States which authorized the entry into ports (with the exceptions stated) of the United States of British vessels from British North American ports.

Thus it was that the treaty of 1818 omitted to make any mention of the ports in the British provinces in connection with the arrival or departure of American vessels, either fishing or other, and so it was a clear and necessary construction of the treaty of 1818 that the arrangements, conditions, and renunciations therein provided had no relation, one way or the other, to the exercise of what may be called

commercial rights by the American fishing or other vessels in the waters or ports of British North America, for the status of things was such that it could not be done in the case of any American vessel without regard to her character as a vessel engaged in fishing upon the high seas or in the British territorial waters, wherein, as was provided, she might continue to fish, or to her commercial character.

The right (except in the cases before stated) of the British to exclude such vessels and all others of the United States from her ports in British North America, as the matter stood until 1830, is fully conceded, and it is also conceded that during that time the only right of any vessel of the United States to enter the waters of British North America depended upon the treaty of 1818 alone, and in order to obtain the benefit of that treaty for such purposes the American vessel must have been a fishing vessel and must have resorted to those particular waters for some one of the purposes mentioned in the treaty, and no others.

The foregoing statement is, of course, subject to the limitation implied in whatever rights might have existed by the general law of nations in respect of vessels under circumstances requiring the exercise of humanity, etc. It must be also remarked that at the time of the conclusion of the treaty of 1818 the ports of British North America were very few and far between and that there could be very little motive for American vessels, either fishing or other, to resort to such ports for the purposes of trade until the British colonial policy should have been abandoned or very largely modified.

The matter, then, under the treaty of 1818 was a very simple one and can be restated thus:

(1) No American vessel had any right to resort to British North American ports for any commercial or other purpose, and no British North American vessel had any right to resort to any port of the United States for such purposes.

(2) But American fishing vessels had a right to resort to certain of the coasts, bays, harbors, and creeks of that part of British North America described in the treaty of 1818 for all purposes of fishing which they had anciently enjoyed.

(3) But American fishing vessels, and fishing vessels only, had also a right to resort to all other British North American waters for the special purposes named in the treaty.

(4) The general result of this was, as to American fishing vessels, that they had, on all the British North American coasts and in all her bays and harbors, the right to shelter, to repair damages, and to obtain wood and water, but on certain named parts of the same coasts, etc., they had not the right to take or cure fish; and

(5) As a consequence of the situation embraced in the British laws and in that treaty, the matter of resorting to British North American ports either by American fishing or other vessels was entirely outside of and unaffected either way by that treaty.

From 1818 forward, until after the reciprocal arrangements of 1830 concerning commerce, it is not known that any serious difficulties occurred in respect of the rights of American fishermen pursuing their calling in those regions of the sea.

Two or three instances only of seizure appear to have occurred until after 1830, and none of those touched or raised the bay or headlands question. In 1835 the British Government brought to the notice of our own the complaints of the Canadian authorities concerning alleged infractions of the treaty of 1818 by our fishermen. These complaints

did not involve the bay or headlands question or any commercial question, and the complaints were immediately attended to by our Government to the satisfaction of that of Great Britain. (Ex. Doc. 100, Thirty-sixth Congress, first session, pp. 56 and 58.)

In 1838-39 there were a few more seizures, but none of them appear to have raised the bay or headlands question. One was seized at the Gut of Canso, but released; and none of these seizures appear to have involved any commercial or trade question excepting the *Shetland*, which, being driven inshore by a storm, anchored, and the master was enticed into selling a boy, who came on board, a pair of trousers and a little tea and tobacco, for which the vessel was immediately seized, it being evident that the boy had been sent by the authorities to entrap the master (Ex. Doc. 100, Thirty-sixth Congress, first session, pp. 65 and 66); and excepting the *Magnolia*, which purchased a barrel of herring for bait; and excepting the *Hart*, which, running into Tusket Harbor in heavy weather, and while the master was on shore procuring wood and water a British subject asked some of the crew to help him clear his nets. Some of the crew accordingly went on board the British vessel and assisted in clearing the nets, for which the British owner gave two barrels of fresh herring; and excepting the *Eliza*, which, being at anchor in a gale, carried away one of her larboard chains and ran into Bevet Harbor and got it repaired by a British subject, and was accordingly seized.

These instances are specially referred to to show that the bay and headlands question almost never practically arose, and that the offenses, if offenses they were, of the seized vessels were of the most trivial and unimportant character, scarcely worthy the notice of a government.

In 1818 (and before the treaty of that year) Congress passed an act closing our ports against British vessels coming from colonial ports which were closed against vessels owned by citizens of the United States (Stats., vol. 3, p. 432); and in 1820 Congress passed a supplementary act upon the same subject and upon the same principle of mutuality, applied particularly to British North American ports and certain West Indian ones (Stats., vol. 3, p. 602); and in 1823 Congress passed an act suspending the former acts so far as they applied to sundry ports named—the Canadian ones being St. John and St. Andrews, New Brunswick; Halifax, Nova Scotia; Quebec, Canada, and St. Johns, Newfoundland.

But this act was passed with the condition that the enumerated British colonial ports should be open for the admission of the vessels of the United States, and provided that, if trade and intercourse should be interrupted by the British authority in those ports, similar action should be taken by the President in respect of our own.

The act of Congress of May 29, 1830, provided for opening of all American ports to certain British colonial vessels on a mutual opening of British colonial ports to American vessels. Section 2 of that act declared that—

Whenever the ports of the United States shall have been opened, under the authority given in the first section of this act, British vessels and their cargoes shall be admitted to an entry in the ports of the United States from the islands, provinces, or colonies of Great Britain, on or near the North American continent, and north or east of the United States (Stats., v. 4, p. 420).

Pursuant to this act, President Jackson, on the 5th of October, 1830, in accordance with a mutual understanding upon the subject with the Government of Great Britain, issued his proclamation, putting

this act of 1830 into effect (Stats, v. 4, p. 817). And on the 18th of November, 1830, a British order in council was issued, declaring, among other things—

That the ships of, and belonging to, the United States of America may import from the United States aforesaid into the British possessions abroad goods with produce of those States, and may export goods from the British possessions abroad to be carried to any foreign country whatever (British Foreign and State Papers, v. 17, p. 894).

It is clear that under this act of Congress all British vessels, without regard to their occupation, whether fishing or other, coming from British North America, were entitled to admission into our ports for all purposes of trade and commerce. Canadian fishing vessels had the same rights as any other, for they fell within the general description stated in the statute. So, too, reciprocally, our fishing vessels fell within the general description of "ships of and belonging to the United States." Before this time all American vessels were excluded from British North American ports with the then recent exception before stated; then, under this arrangement all ships of the United States were to be admitted into British North American ports. The former almost universal exclusion was abolished without reserve. If any literal reading of this British order in council can be suggested as of a narrower construction, it would destroy the mutuality of the action of the two Governments and be unworthy of a government.

Surely no nation not in a state of vassalage would consent that its citizens or subjects should for a moment be treated in or by another nation in a less favorable way than it treated the citizens and subjects of the same class and occupation of such other nation.

From the conclusion of the treaty of 1818 down to nearly 1840, as we have seen, the incidents of collision or difficulty in respect of the rights of the purely American fishing vessels under that treaty were comparatively few; and, so far as the committee is advised, such incidents of difficulty as occurred did not arise under any bay or headland pretension of Great Britain, but came out of a few American vessels, from time to time having come within 3 miles of the British North American shores, being seized upon one accusation or another.

In the year 1836 the province of Nova Scotia passed laws of a more stringent and unjust character than any that had existed before, and in the year 1838 that province complained, in an address to the Queen, of American aggressions, and asking for a naval force to prevent them. It appears that a British force was accordingly placed on the British North American coast, and the seizure of American vessels became much more numerous. (See reports and papers on the subject, Senate Ex. Doc. 100, Thirty-second Congress, first session.)

It appears from these papers that most of the cases of British seizure were for alleged violations of the customs laws; that others of them were for violations of the privileges secured by the treaty of 1818, by coming within 3 miles of the shore; and so far as it is known it was not until the 10th May, 1843, that any American vessel was seized for fishing more than 3 miles from the shore in a bay indenting the British North American coast.

But in the diplomatic correspondence of that period the pretension was asserted by the British Government that bays more than 6 miles wide and of indefinite width, if bays indenting British shores, were within the exclusion of the treaty of 1818, and under this pretension the American fishing vessel, the *Washington*, was seized for fishing in

the Bay of Fundy, but more than 3 miles from the shore. This pretension of the British Government was denied by our own, but no agreement upon the subject was come to.

This state of things, with more or less of collision and harassment to our fishing vessels, continued, but without very serious difficulty, until in 1852 an attempt was made by the British Government to induce the United States to conclude a reciprocity treaty, which failing, the British Government sent a strong force of war steamers and sailing vessels to these waters for the alleged purpose of enforcing the provisions of the treaty of 1818, but, as was believed by the people and Government of the United States, intended not only for that but as an overawing enterprise, which should frighten the American fishermen from resorting to British waters for any of the purposes mentioned in the treaty, and to so much disturb American fishing interests as to seriously cripple or destroy them, and thus lead the United States to enter into reciprocity with British North American provinces.

Documentary papers and discussions in the Senate at the time will show how fully this matter was understood, and how it was regarded by the people and Government of the United States. Mr. Webster, then Secretary of State, thereupon issued a circular notice to American fishermen, in which he states what the rigid and strict construction of the treaty of 1818 would be, as claimed by the British, as it respected the entrance of fishing vessels into the bays or harbors indenting the British provinces. He stated the British pretension in respect of drawing lines from headland to headland and their asserted pretension of a right to capture all American fishermen who should follow their pursuits in bays inside of such lines. But he distinctly also stated, in the same circular, that he did not agree to the construction thus put by the British upon the treaty, or that it was conformable to the intention of the contracting parties; but he informed the public of the British pretension, "to the end that those concerned in American fisheries may perceive how the case at present stands and be on their guard." (H. R. Mis. Doc. No. 32, Forty-second Congress, second session.)

This circular of Mr. Webster was of July, 1852, and on the 23d August of the same year, twenty-two years after the laws of 1830, the provincial secretary of Nova Scotia issued a notice that "no American fishing vessels are entitled to commercial privileges in provincial ports," etc. (Memorandum respecting North American fisheries, prepared for the information of the American commissioners who negotiated the treaty of 1871.)

Following these operations, the claims convention of the 8th of February, 1853, between the United States and Great Britain, was concluded, and under that convention the case of the *Washington*, seized for fishing in the Bay of Fundy, as before mentioned, was heard, and the umpire decided that the true meaning of the treaty of 1818 made it lawful for the *Washington* to fish more than 3 miles from the shore in the Bay of Fundy, and in respect of the headland pretension he says:

That the Bay of Fundy is not a British bay, nor a bay within the meaning of the word as used in the treaties of 1783 and 1818.

He refers to the convention of 1839 between France and Great Britain in respect of reciprocal fishing by the subjects of each country along the shores of the other, providing that their conventional arrangements shall exclude the fishermen of each from bays which do not exceed 10 miles in width within the shores of the other as a proper limit of the doctrine of headlands.

But upon this point (immaterial to the question before him) it is to be observed that the 10-mile headland arrangement between France and Great Britain was a mutual one, applying to the shores and bays of both countries along which the fishermen of each were accustomed to ply their calling, and if, therefore, that convention had agreed upon a distance of 10 miles from shore and 20 miles for the width of the waters between headlands, it would have furnished no argument in respect of the principle of public law applicable to such questions or in respect of the ancient rights of the citizens of the United States in regard to the fisheries in northeastern waters, for the fishermen of each country were put upon a precisely equal footing in respect of the waters and ports of the other, which, on the British theory, strangely enough, has not existed between British and American fishermen since the act of Congress of 1830, and will not exist if the treaty under consideration should go into effect.

In 1854, however, the objects of British and Canadian desire were at last accomplished by the conclusion of the treaty of the 5th of June of that year, by which an extensive reciprocity, so called, of trade was agreed upon, and the right granted to the Americans to fish within the limits prohibited by the treaty of 1818 under a variety of restrictions and limitations, and a similar right granted to British fishermen in the waters of the United States north of latitude 36°.

In the same treaty were various other provisions respecting navigation of the St. Lawrence, American and Canadian canals, etc., and the treaty was terminable on notice after the expiration of ten years. The experience of the United States and their citizens under that treaty led Congress to terminate it in the winter of 1864-65 by a vote of nearly 2 to 1 in the House of Representatives and by a vote of nearly 5 to 1 in the Senate.

The Canadian Government then for a few years resorted to a system of licensing American fishermen to fish in the waters from which they were excluded for fishing purposes by the treaty of 1818. For the first year the number of licenses is reported to have been 354, at 50 cents per ton. The next year, 1867, the license fee was made \$1 per ton; the number of licenses is reported to have been 281. The next year, 1868-69, the license fee was again doubled—\$2 per ton—and in 1868 only 56 licenses were taken out, and in 1869 only 25.

In 1868 the Dominion government proceeded to enact the most harsh and stringent laws on the subject of American fishermen calculated and, it is thought, undoubtedly designed to so harass American fishermen in the exercise of the rights reserved to them by the treaty of 1818 as to cripple and destroy their operations. Analogous legislation by Newfoundland in 1836 had led the United States to remonstrate against it as a "violation of the well-established principles of the common law of England and of the principles of all just powers and of all civilized nations, and seemed to be expressly designed to enable Her Majesty's authorities, with perfect impunity, to seize and confiscate American vessels and embezzle almost indiscriminately the property of our citizens employed in the fisheries on the coasts of the British Possessions." (Ex. Doc. 100, Thirty-second Congress, first session.)

In 1870 the British Government informed our own that the Canadian government would issue no more licenses to American fishermen; and, notwithstanding the decision of the umpire in the case of the *Washington* in 1853, announced the British claim to the exclusion

of the American fishing vessels from coming within British headlands, without regard to the width of the bay between. (See Report on Foreign Relations, 1870.)

Then came the treaty of 1871, devoted primarily to the Alabama claims, but which provided that for the period of ten years fishermen of the United States should have, in addition to their rights under the treaty of 1818, the right of British North American inshore fishing under certain limitations, etc.; and the United States agreed to the free admission of British North American fishery products into our country, and it was also provided that the British fishermen might fish in certain American waters, and that the balance of alleged advantage to the United States in these respects should be settled by a commission.

This commission, as is well known, by the vote of the British commissioner and the Belgian umpire, and against the vote of the American commissioner, fixed the sum to be paid by the United States at \$5,500,000. The gross injustice of this, as believed by the United States, led the Senate, on the 27th February, 1879, six years before the fisheries provision could expire by the terms of the treaty, to unanimously pass a resolution declaring that steps ought to be taken to provide for the earliest possible termination of these fishery arrangements by negotiations with the British Government to that end. It is understood that the President of the United States, in pursuance of this recommendation, endeavored to obtain the agreement of Great Britain to an immediate termination of these clauses in the treaty, but without success.

In February, 1883, however, as the period was approaching when these provisions could be terminated on notice, both Houses of Congress unanimously (or certainly without any division) passed resolutions terminating Articles XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, XXV, XXX, and XXXII of said treaty, which articles covered the whole fishery subject as well as certain matters of navigation, etc. This termination took effect on July 1, 1885.

By the twenty-ninth article of the same treaty, which is still in force, the United States engaged that all goods, wares, and merchandise arriving at certain ports named and destined for the British possessions in North America should have entry and transit without the payment of duty, and it was reciprocally agreed on the part of Great Britain that all goods, wares, and merchandise arriving at any of the ports of British North America and destined for the United States should also have the right of free entry and transit to the United States, etc.

That the foregoing mentioned article of the treaty of 1871 covered and included the transmission of fish from American fishing vessels as well as other goods is evident, not only from the plain and comprehensive language of the article, but from the statements of the formal British case laid before the Halifax Commission in 1877, wherein the right of the transshipment of fish from Canadian ports to the United States free of duty, covered by that article, was made the ground of claim for compensation.

But it will be seen on inspection of the treaty of 1871 that the fisheries articles of that treaty contained no provision either in respect of any commercial rights in Canadian ports or in respect of transshipments, and that the reciprocal transshipment article of the treaty was entirely separate and distinct from any question of fisheries or fish as such; but the proceedings before that commission distinctly demon-

strated that under article 29 the right to transship fish was understood by the British to be included and without any conditions depending upon the force of any other of the articles of the treaty, and it is also to be observed that the fisheries articles, in respect of their duration and termination, are treated of separately and by themselves in article 33, which provided that they, as a group by themselves, might be terminated after ten years, on two years' notice, while the reciprocal transshipment article 29 was left to stand independently by itself.

It inevitably follows:

(1) That the right of American fishing vessels to transship their fish from Canadian ports to those of the United States was not derived from the fisheries articles and did not depend upon them.

(2) That such right clearly existed by force of article 29 and did not depend upon any other article; and

(3) That article 29 not having been terminated, the right of American fishing vessels to enter Canadian ports for the purpose of transshipping their cargoes is as clear and unquestionable as that of any other American vessels.

Under the treaty of 1871, with all the privileges granted to Americans in respect of fishing in British waters, the practical result was the diminution of American fishing interests and a corresponding large increase of the Canadian fishing interests, owing to the superior facilities of the Canadians in fishing near their own homes and their right guaranteed by that treaty to dispose of their fish in American ports free from all duties and impositions. It was this, doubtless, that led the British Government to refuse to terminate the fisheries article of 1871 when it had already obtained \$5,500,000 as the established recompense for the superior (alleged) advantages obtained by American fishermen under that treaty.

After the final termination of the fisheries articles of the treaty of 1871, it being apparent that the United States could not be persuaded or beguiled into a renewal of the so-called reciprocity with Canada, the former methods of unfriendly coercion and harassment were again resorted to and with great exaggeration. New Canadian laws, sanctioned by the home Government, were enacted, calculated and evidently designed to effectually frustrate and destroy all the substantial rights that American fishermen were entitled to enjoy under the treaty of 1818, and to destroy the mutuality of the act of 1830 and the benefits of article 29 of the treaty of 1871.

Our Government remonstrated, at first mildly, and later on with something of the vigor that should belong to those intrusted with the defense of clear American rights. But these remonstrances, unaccompanied or followed by any further steps, were unavailing.

The President, in his annual message of December, 1885, in view of these circumstances, recommended to Congress the making provision for a commission to adjust and settle the difficulties and disputes thus arisen; but Congress did not see fit to do it, and the Senate, on the 13th of April, 1886, adopted a resolution by a majority of 25 declaring that in its judgment no such commission ought to be established; and by a resolution of the 24th of July, 1886, proceeded to order an investigation by its Committee on Foreign Relations into the fishery question and into the unjust treatment of our fishermen and the circumstances connected therewith, with a view, as it may be presumed, to taking such measures on the report of its committee as the interests and honor of the United States should require.

That committee made an exhaustive investigation, and without any

dissent from any of its members reported to the Senate, on the 19th of January, 1887, upon the subject, stating the history of these difficulties and the clear rights that it was thought belonged to the United States and to their citizens, and recommended the enactment of a law for the protection of American rights.

Such a law was enacted, the bill passing the Senate by a vote of 46 in the affirmative to 1 in the negative, and passing the House of Representatives with an enlarging amendment by a vote of 256 in the affirmative to 1 in the negative.

On the passage of this law the only difference between the two Houses was that concerning the extent to which these defensive measures should go. This act of Congress was approved by the President on the 3d of March, 1887, and is in the following words:

AN ACT to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels, in certain cases, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the President of the United States shall be satisfied that American fishing vessels or American fishermen, visiting or being in the waters or at any ports or places of the British dominions of North America, are or then lately have been denied or abridged in the enjoyment of any right secured to them by treaty or law, or are then or lately have [been] unjustly vexed or harassed in the enjoyment of such rights, or subjected to unreasonable restrictions, regulations, or requirements in respect of such rights; or otherwise unjustly vexed or harassed in said waters, ports, or places: or whenever the President of the United States shall be satisfied that any such fishing vessels or fishermen, having a permit under the laws of the United States to touch and trade at any port or ports, place or places, in the British Dominions of North America, are or then lately have been denied the privilege of entering such port or ports, place or places, in the same manner and under the same regulations as may exist therein applicable to trading vessels of the most favored nation, or shall be unjustly vexed or harassed in respect thereof, or otherwise be unjustly vexed or harassed therein, or shall be prevented from purchasing such supplies as may there be lawfully sold to trading vessels of the most favored nation; or whenever the President of the United States shall be satisfied that any other vessels of the United States, their masters or crews, so arriving at or being in such British waters or ports or places of the British dominions of North America, are or then lately have been denied any of the privileges therein accorded to the vessels, their masters or crews, of the most favored nation, or unjustly vexed or harassed in respect of the same, or unjustly vexed or harassed therein by the authorities thereof, then, and in either or all of such cases, it shall be lawful, and it shall be the duty of the President of the United States, in his discretion, by proclamation to that effect, to deny vessels, their masters and crews, of the British dominions of North America, any entrance into the waters, ports, or places of, or within the United States (with such exceptions in regard to vessels in distress, stress of weather, or needing supplies as to the President shall seem proper), whether such vessels shall have come directly from said dominions on such destined voyage or by way of some port or place in such destined voyage elsewhere; and also to deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions, or other goods coming from said dominions to the United States. The President may, in his discretion, apply such proclamation to any part or to all of the foregoing-named subjects, and may revoke, qualify, limit, and renew such proclamation from time to time as he may deem necessary to the full and just execution of the purposes of this act. Every violation of any such proclamation, or any part thereof, is hereby declared illegal, and all vessels and goods so coming or being within the waters, ports, or places of the United States contrary to such proclamation shall be forfeited to the United States; and such forfeiture shall be enforced and proceeded upon in the same manner and with the same effect as in the case of vessels or goods whose importation or coming to or being in the waters or ports of the United States contrary to law may now be enforced and proceeded upon. Every person who shall violate any of the provisions of this act, or such proclamation of the President made in pursuance hereof, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment for a term not exceeding two years, or by both said punishments, in the discretion of the court.

Approved, March 3, 1887.

So far as is known to the committee, no step whatever was taken by the President to put this law into execution, but negotiations were initiated and continued to the apparent end of accomplishing what Congress had thought it unfit to undertake in such way, an adjustment of these difficulties by the diplomatic course of securing a part of American rights at the expense of yielding other and the most fundamental and important of them.

These negotiations culminated in the appointment by the President, during the recess of the Senate, on the 22d of November, 1887, only ten days before the meeting of Congress, of three "plenipotentiaries" to consider, with like plenipotentiaries appointed by Her Majesty, the whole subject with a view of coming to a solution thereof.

These plenipotentiaries thus created began their real work at Washington while both Houses of Congress were sitting and without any communication by the President in his annual message on the meeting of Congress, or otherwise, of the fact that such important and extraordinary operations were in progress or that very grave interests of the United States had been placed in the custody of gentlemen whose names had not even been communicated to it.

These "plenipotentiaries" came to a conclusion of their labors on the 15th of February, 1888, and the offices of "plenipotentiaries" terminated, and the result was reached without the advice and consent of the Senate having been asked or taken concerning the selection of these public ministers and without any communication to either House of Congress concerning this most important subject.

It is not difficult to see that, in evil times, when the President of the United States may be under influence of foreign and adverse interests, such a course of procedure might result in great disaster to the interests and even the safety of our Government and people.

It is no answer to this suggestion to say that an arrangement thus concluded can not be valid or effectual without the advice and consent of the Senate, for the rights and interests of the people of the United States might be so neglected, misunderstood, abandoned, or sold by the President's "plenipotentiaries" as to greatly embarrass, if not defeat, their ultimate reassertion in better times and under better administrations, though it is hoped that such will not be the case in respect of these negotiations.

The document submitted to the Senate by the President as the outcome of these negotiations may, it is thought, well illustrate the dangers of such methods.

But holding in reserve for the time being these grave questions touching usurpations of constitutional powers, or the abuse of those that may be thought to exist on the part of the Executive, the committee thinks it sufficient for the present occasion to deal with the document itself.

The subject with which, according to the message of the President transmitting it, this document professes to deal is "the settlement of the questions growing out of the rights claimed by American fishermen in British North American waters." And the document opens with the statement that it has to deal with "differences * * * concerning the interpretation of Article I of the convention of October 20, 1818." The article referred to appears in an earlier part of this report.

The language of this article is, as has often been stated in long discussions upon the subject, perfectly clear. And as it respects the territorial limits wherein American fishermen should no longer have their ancient right of fishing, there has not been and can not be any

question capable of discussion other than that which may arise from the use of the words "bays," etc., of Her Majesty's dominions.

The article itself, in clear and unmistakable language, recognized and adopted 3 miles from the shore as the extreme limit of municipal dominion and exclusion, but it also used the words "bays," etc.—British bays—as included within the prohibited territory.

For many years after the conclusion of this treaty of 1818 there does not appear to have been any difficulty in respect of the exercise of the rights of American fishermen in bays along the British North American coast that were more than 6 miles wide at their entrance, thus following the description embraced in the 3-mile designation of municipal boundary.

But when the Canadians found that they could not have the same advantages enjoyed by American citizens, fishermen, in introducing their fish and other products into the United States on the same terms as our own citizens, a system of restrictive claim was adopted, and the pretension was set up that any bay, no matter how wide, indenting British North America, was a British bay, and that the American fishermen were by the treaty of 1818 forbidden to fish therein, and in 1843 the first seizure under that claim occurred. The American fishing vessel *Washington* was the vessel. What was decided and settled in her case has already been stated.

From that day to this no instance has been brought to the attention of the committee (among all the various and very numerous seizures of American fishing vessels by the British authorities under the claim of violations of the treaty of 1818) of any seizure of any American fishing vessel for the act of fishing in any bay indenting the British North American coast more than 3 miles from the shore.

It is curious to note that in the opening British case before the Halifax commission no mention is made of the headlands question that had from time to time been a subject of theoretical discussion between the two Governments. But after the case had been presented the question was referred to, but it appears to have been dropped in view of the fact that fishing in such bays did not appear to be of any substantial value at that time. Thus the bay and headland matter stood when these last negotiations began.

The first article of the treaty now under consideration provides for the appointment of a mixed commission, to delimitate "the British waters, bays, creeks, and harbors of the coasts of Canada and of Newfoundland, as to which the United States, by Article I of the convention of October 20, 1818, between the United States and Great Britain, renounced forever any liberty to take, dry, or cure fish."

Certainly a delimitation of 3 miles from the shore could not possibly be made more clear than it was by the treaty of 1818. Monuments can not be set up in the sea which shall separate the waters of Her Majesty's dominions from the waters belonging to the fishermen and all other people of the United States in common with the rest of mankind.

The only possible point must be to describe what were British bays, etc., and if this article had only been devoted to naming the bays, etc., that were less than 6 miles wide, there might have been some theoretic ground for such an operation. But the treaty easily dismisses all such as a part of the coast line, and proceeds to show that the 3-mile limit mentioned in the treaty of 1818 is not the one that is to define the rights of citizens of the United States, but that a new and different principle, entirely favorable to Great Britain, is to be adopted.

To this end the third article of the treaty provides that the 3 marine miles mentioned in the treaty of 1818—

shall be measured seaward from low-water mark; but at every bay, creek, or harbor, not otherwise specially provided for in this treaty, such 3 marine miles shall be measured seaward from a straight line drawn across the bay, creek, or harbor, in the part nearest the entrance at the first point where the width does not exceed 10 marine miles.

By this simple British process the 3 miles mentioned in the treaty of 1818 is nearly doubled and extended to 5 miles from either shore at the entrance or along the bays indenting the coast. It needs no comment to show that this provision is not an execution of the treaty of 1818, but is making, by an assumed construction or otherwise, a new one of entirely different dimensions and entirely in the interest of Her Majesty's Government.

But this is not all. The "plenipotentiaries" went still further (not stopping at nearly doubling the area of British municipal dominion measured by the treaty of 1818), and agreed that many of the (and perhaps all the valuable) great bays, much more than 10 miles in width, should be forevermore included in British municipal dominion, and that forevermore no American fisherman should have the right to drop a line or cast a seine therein.

These great bodies of water thus given up to the British are named in the treaty as follows: (1) The Baie des Chaleurs; (2) Bay of Miramichi; (3) Egmont Bay; (4) St. Anns Bay; (5) Fortune Bay; (6) Sir Charles Hamilton Sound; (7) Barrington Bay; (8) Chedabucto Bay; (9) Mira Bay; (10) Placentia Bay; (11) St. Marys Bay.

These agreements contained in article 4 of the treaty, as has been said, really cede (so far as the United States are concerned) to Great Britain forever the complete dominion over these numerous and, for fishing purposes, the most valuable of the bays along the coast of British North America, and exclude forever all the American fishing vessels therefrom, except for the limited and narrow purposes mentioned in the treaty of 1818, and recognize that by force of the treaty of 1818 these are and always have been British waters; while it is thought by the committee that by the public law of nations these same waters will be open to the vessels of all other countries than our own, unless they, too, shall, from generosity or fear or for some consideration, renounce their right to use the same.

The principle on which this article is formed is a recognition by the United States of the municipal and territorial sovereignty of Great Britain in and over all the other bays, etc., on the British North American coast, however large, in which by this treaty our citizens are to be admitted to fish exterior to a line 3 miles from shore.

The article in terms professes to delimit the British bays mentioned in the treaty of 1818, and as it mentions 11 such bays even more than 10 miles wide, and some of which are 20 or more miles wide, it follows that the British contention of municipal dominion over all bays without regard to width is acted upon, and that the right of Americans to fish in the few other wide bays not mentioned is a grant by the British Government.

If the Baie de Chaleurs is now a British bay, so also must be the Bay of Fundy and all the rest. But if it be suggested that the "plenipotentiaries" renounced the right of fishing in these bays as public waters (for which no hint appears in the treaty) in consideration of supposed advantages gained to the United States by other provisions

of the treaty, it is, the committee thinks, equally objectionable, and this entirely without regard to any present practical value or want of value of the fisheries therein. It is not thought by the committee to be suitable to the dignity or interests of the United States to renounce the right of its citizens to pursue business in any part of the public waters of the world. Such rights, the committee thinks, should neither be the subjects of purchase, sale, barter, nor gift.

The question of the extent of territorial dominion, as it respects the exercise of fishing rights in bays more than 6 miles wide indenting the shores of a country, must of course be determined by the law and practice of nations as they existed in the year 1818, at which time, as the committee thinks, the 3-mile limit from shores was recognized without regard to large indenting bays, except under very peculiar circumstances, such as the prescriptive exercise of dominion, etc. Whether, in view of recent inventions in the implements of warfare, it may not be politic for maritime nations to agree upon an enlargement of the boundaries of their territorial dominion seaward is a question well worthy of consideration, but it has no place in respect of the matters now in hand.

The supposed precedent for such agreements as are set up in this treaty, of the convention of 1882 (Ex. Doc. 113, p. 18), between Great Britain, Germany, Belgium, Denmark, France, and the Netherlands, is very far indeed from being such. That was for the police regulation of the fisheries in the North Sea and on the coasts of all the contracting parties. It was limited to five years, and not perpetual, as this treaty is. It neither granted nor renounced any right. The freedom of navigation, etc., inside the 3-mile limit was reserved. The naval vessels of the respective powers were to enforce the regulation. For serious infractions not settled at sea the offending vessel was to be taken to a port of her own country for trial.

Such regulations as these just cited might well have formed a precedent for composing the differences between the United States and Great Britain; for, first, they did not admit territorial dominion as existing over bays more than 6 miles wide, but conferred it for the time being and for a limited purpose; second, they recognized the rights of fishing vessels to be considered as vessels entitled to the rights of all other vessels bearing the flag of their country, without regard to their occupation, so far as it respected everything else than fishing; third, they placed the administration of these fishing affairs in the commanders of national vessels; and, fourth, they provided that an accused vessel should be taken to her own country for trial.

The contrast between this North Sea fisheries treaty, to which Great Britain was a party, and the one now before the Senate is vivid. They are substantially the opposites of each other in nearly every particular.

Nor does the treaty now before the Senate bear any material resemblance to the protocol proposed by Mr. Seward in 1866 (Ex. Doc. 113, p. 17), nor to the scheme sent by Mr. Bayard to Mr. Phelps in November, 1886 (Ex. Doc. 113, Fiftieth Congress, first session, p. 17).

The fifth article of the treaty, declaring that the treaty shall not be construed to include within common waters any interior portions of bays, etc., that "can not be reached from the sea without passing within the 3 marine miles mentioned in Article I of the convention of October 20, 1818," is very sweeping, and may cover a great deal more than the mere reading of it would imply to one uninstructed in the nature of the northeastern lands and waters, with their deep

indenting bays, their many islands and islets, and their tremendous tides, the rise and fall of which in many places change the aspects of nature to an astonishing degree. But it is purely language making the test the capacity of passing within 3 miles of the shore, and plainly indicates that no matter how large may be the bay, no matter how wide apart may be its headlands, no matter how deep may be the waters between such headlands at high tide, if the ship channel to it at low tide be within 3 miles of land it is an excluded bay.

Having now seen what the proposed treaty accomplishes in respect of "delimitation," we proceed to examine its provisions in respect of what American vessels engaged in fishing on the high seas may and may not do in British North American waters, ascertained, enlarged, and defined as before stated, and in the ports on those coasts.

In order to understand more clearly the disastrous nature of what the "plenipotentiaries" have agreed to, it is valuable to consider and again state the situation of affairs existing in 1818, and to which the treaty of that year applies.

Before and at that time and down to 1830 no American vessel of any kind was as of right admitted to any British North American port, and no rights of commerce or trade existed (with the few exceptions before stated); and, reciprocally, no British North American vessel of any kind, fishing or other, was admitted to ports of the United States otherwise than as an act of mutuality in the cases stated. The treaties of 1794 and 1815 purposely left all these ports and all trade between British North America and the United States to be regulated according to the particular policy of each nation. Such is still the condition of things so far as any treaty obligation is concerned, excepting article 29 of the treaty of 1871.

In 1818, then, no American fishing vessel or any other American vessel could enter a port on any of the coasts of British North America, even where the full right of fishing inshore existed. And the treaty of 1818, formed on that basis, was not intended to, and it did not in any way, touch the question of any trade or commercial right whatever, and of course made no distinction in these respects between fishing and other American vessels. It looked and spoke only in regard to the fact of the renunciation by the United States of their fishing rights in that part of the territorial waters of British North America named in the treaty, and, as an incident of that renunciation and as an incident only, it provided that American fishing vessels might enter those renounced waters, not to fish, but only for "the purpose of shelter and of repairing damages therein, of purchasing wood, and obtaining water;" and this right was to be exercised under such restrictions as should be necessary to prevent their fishing, etc., therein or in any other manner abusing the privileges so reserved to them.

These words, "in any manner abusing the privilege of entry," clearly referred to the then existing state of British law, which prevented all trade intercourse by foreign vessels with the provinces, and were intended to authorize such action on the part of Great Britain as should be justly necessary to prevent violations of British navigation and commercial laws.

But in the course of years, when, after these mutual arrangements of a legislative character were made, the business and trade between the United States and British North America developed, the British North Americans, like their fellows in England, began to see that the American system of customs laws operated to the advantage of Ameri-

can citizens and industries and unfavorably to Canadian and British interests. They then commenced, and have since steadily continued (except during the intervals of so-called reciprocity, under the treaties of 1854 and 1871), a systematic and persistent course of hostile legislation and administration under the pretext of enforcing the restrictions of the treaty of 1818, well calculated and designed, as the committee thinks is clear, to so embarrass and harass the citizens of the United States engaged in the legal pursuit of fishing on the high seas, as well as in the British North American waters reserved to them by the treaties of 1783 and 1818, as to drive them out of the business, and so to leave it all in British hands, or else to induce the United States, by such a course of unfriendly and even outrageous conduct, to allow the free entry of Canadian fish and other products into our markets as the price of their fair treatment of our fishermen.

Yet, during the last two or three years of this course of studied injustice and of outrage, while no American fishing vessel, even bearing a full commercial character under the laws of the United States and with the flag of the United States at the fore, could enter a port of British North America for any purpose without being exposed to seizure and forfeiture, or enter a British North American harbor for shelter or to repair damages or obtain wood and water without being subjected to this unjust and even outrageous treatment, the fishing vessels of British North America could lawfully and without molestation enter any harbor or port of the United States, sell or transship their cargoes, and do every kind of trade, and depart in peace.

This condition of things became so intolerable that, at last, the remonstrances of the Executive became vigorous and urgent, and on the 8th of December, 1886, the President sent to Congress the following message on the subject:

To the Senate and House of Representatives of the United States:

I transmit herewith a letter from the Secretary of State, which is accompanied by the correspondence in relation to the rights of American fishermen in the British North American waters, and commend to your favorable consideration the suggestion that a commission be authorized by law to take perpetuating proofs of the losses sustained during the past year by American fishermen owing to their unfriendly and unwarranted treatment by the local authorities of the maritime provinces of the Dominion of Canada.

I may have occasion hereafter to make further recommendations during the present session for such remedial legislation as may become necessary for the protection of the rights of our citizens engaged in the open-sea fisheries of the North Atlantic waters.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, December 8, 1886.

Justly influenced, doubtless, by this message and by the state of affairs shown in the documents accompanying it and by the evidence taken by and the report of the Senate Committee on Foreign Relations on the same subject made on the 19th of January, 1887 (Report No. 1683, Forty-ninth Congress, second session), Congress came to the conclusion that the period of negotiation and unavailing remonstrance had passed, and with almost absolute unanimity and without any party division enacted the act of March 3, 1887, hereinbefore mentioned, by which the duty was imposed upon the President of withdrawing from British North American vessels, etc., those liberties and advantages which by the preexisting laws they were enjoying in the harbors and ports of the United States, whenever and as often as it should appear to him that similar rights and liberties were denied the

United States fishing vessels, etc., in the ports, etc., of British North America, or whenever it should appear to him that American fishing vessels should have been subjected to outrageous or unjust treatment in the exercise of the rights secured to them by the treaty of 1818.

All that remained unprovided for, according to the sense of self-respect and of just policy on the part of the United States, was to obtain indemnity from the British Government for the injuries that had thus far been committed.

In view of this state of affairs, thus briefly mentioned, we come to consider what the proposed treaty undertakes to provide in regard to American vessels engaged in fishing.

The first clause of Article X provides that American fishing vessels entering the bays or harbors referred to in Article I shall conform to harbor regulations common to them and Canadian fishing vessels. This, by necessary implication, concedes the right on the part of the Canadians to subject United States fishing vessels resorting to a British North American bay for shelter from a tempest to the municipal laws of Canada, no matter how far different those regulations may be from the provision in the treaty of 1818 giving to the British the right only to make such restrictions as should be necessary to prevent an abuse of the privilege of entry for the purpose stated.

This clause adopts the principle of the British contention in the Fortune Bay affair, which contention was that American vessels in Canadian waters, under either the treaty of 1818 or 1871, were subjected to all the municipal laws of that country. This British contention was successfully resisted by Mr. Evarts, then our Secretary of State, and the British Government paid an indemnity for an interference with our fishing vessels in respect of their being engaged in fishing in those waters contrary to the municipal statutes of Newfoundland.

This clause, then, gives away important American rights, and adopts the principle that under the treaty of 1818 American fishing vessels are subject to the full force of foreign municipal law. But this clause is, in part only, qualified by the next, which excuses them from reporting, entering, or clearing when putting into such bays for shelter or repairing damages and when putting into the same outside the limits of established ports of entry for the purpose of purchasing wood or obtaining water, with certain exceptions even in respect of that excuse. But we think it may be safely assumed to be true that there are very few, if any, British North American bays or harbors that are not within the limits of established ports of entry, for doubtless (which is the case in the United States) the Dominion customs laws bring every part of the seashore and all its bays and harbors within the customs limits of some port of entry.

This modification, then, of the sweeping requirement of the first clause really amounts to nothing, and, indeed, can (if it does not already) by a simple legislative or administrative act of the Dominion government bring every bay and harbor and every part of the coast within the limits of established ports of entry, and thus again completely surrender the fishing vessels of the United States to every commercial regulation of the Dominion government which operates against them, while it gives them almost none of the benefits of commercial intercourse.

The next clause also further provides that American fishing vessels, when in these bays and harbors for shelter, etc., under the treaty of 1818, shall not be liable for harbor dues, etc. This is a mere statement of what results from the treaty of 1818, for it has no application

to these vessels other than in their purely fishing character, and in that character they were not subjected by the treaty of 1818 to any such imposition, and could not be, for none of them were necessary to prevent their fishing or to prevent their smuggling.

Article X, then, taken as a whole, is a diminution instead of an enlargement of the rights of American fishing vessels under the treaty of 1818, and its modifying and limiting clauses would be only valuable in any case as a renunciation by Great Britain of a totally unfounded pretension.

Article XI provides, first, that American fishing vessels entering the ports, etc., of British North America under stress of weather or other casualty may unload, reload, transship, or sell, subject to customs laws, all fish on board, when such unloading, transshipment, or sale is made necessary as incidental to repairs, and may replenish outfits, provisions, or supplies damaged or lost by disaster, and in case of death or sickness, shall be allowed all needful facilities, including the shipping of a crew.

The most of these provisions are already clearly covered by the treaty of 1818, and all of them are covered by the real substance and spirit of the arrangement of 1830; and in respect of transshipment, by article 29 of the treaty of 1871. They are much more than covered by article 29 of the treaty of 1871, and are, in fact and effect, a voluntary abandonment on the part of the United States of the rights secured in respect of the transshipment of all American goods and merchandise arriving at any British North American port. That article uses language of the most comprehensive character, and it can not be doubted that under it a Canadian fishing vessel bringing a cargo of fish from the fishing grounds to the south of Nantucket, or from any other place on the high seas or any British waters, to the ports of New York, Boston, or Portland, would be entitled to land them and transship them to Canada without the payment of any duty, and it is, of course, equally clear that a cargo of fish on board a fishing vessel of the United States, when brought from the fishing grounds of the high seas or elsewhere to any British North American port, may, in like manner, be entered and transshipped to the United States without the payment of duty.

It would seem, then, that in respect of the clause of Article XI now under consideration, as well as with respect of the clauses hereinbefore considered, that the Executive in negotiating this treaty had failed to remember, or had left out of view, what the present rights of citizens of the United States already clearly are under treaties now in force, and had proceeded upon the idea that every right that the United States is to obtain by force of this treaty is a new one, and is granted by Her Majesty's Government in consideration of the renunciation to her of the great bodies of water mentioned in the earlier articles of this treaty and of all commercial rights not mentioned in this treaty.

The next paragraph of Article XI provides that licenses in British North American ports shall be granted to United States fishing vessels on the homeward voyage only, to purchase such provisions and supplies as are ordinarily sold to trading vessels, but such provisions shall not be obtained by barter nor purchased for resale or traffic. A Canadian fishing vessel, on whatever voyage, either outward or inward, may now lawfully purchase anything in a port of the United States that any citizen of the United States can purchase, and on the same terms, without any license whatever, and may dispose of any such purchase without any restriction. How does it happen that the United

States are to buy, or to accept as an act of generosity, the privilege for our fishing vessels only when they are on their way home, sufficient food to preserve them from starvation, and under the restriction that, being without money, they must not obtain it by the exchange either of fish hooks or wearing apparel?

If all vessels of the United States, including those engaged in the occupation of catching fish on the high seas, are now, under the arrangements of 1830, entitled as of right to trade in British North American ports, this clause of Article XI surrenders nearly the whole of such right; but if, under the arrangements of 1830 or otherwise, American vessels engaged in fishing on the high seas have no right of entry into British North American ports and no right to trade therein, and their enjoyment of such privileges depends upon the legislative policy of the British Dominion government, can the United States, with the least sentiment of self-respect or with the least regard to American honor, accept such a privilege, so limited, without on the other hand limiting the privileges of similar Dominion vessels in the ports of the United States?

The United States is under no treaty obligation whatever in respect of Dominion fishing or any other vessels, other than those contained in the treaty of 1871, and all those, whatever they may be, are strictly mutual. The committee thinks that such an arrangement as is here proposed, and which necessarily implies that there can be no other or greater rights of American vessels than those here described, is utterly inadmissible unless it be conceded that the business of American citizens carried on on the high seas, hundreds of miles, in many instances, from British North American coasts, is and ought to be subjected in British North American ports to the free will and pleasure of the government of that country and they are to have few of the rights that, by the common intercourse of nations, are accorded to the vessels of all countries as acts of hospitality and humanity, and which by treaty or legislative arrangements of nearly all nations are accorded to the citizens of each in the ports of the other upon perfectly mutual and equal terms, and never otherwise. If we are to buy hospitality, why should we not sell it? If we are to submit to British regulations of any occupation on the high seas, why should not British subjects in like manner submit to a similar control or exclusion of their vessels by the United States?

The last paragraph of Article XI appears to be thought by the President, in his message communicating the treaty, to give to our fishing vessels, whether on the homeward voyage or not, the right of purchasing provisions and supplies that ordinarily belongs to trading vessels. In this the committee thinks the President is much mistaken. The first clause of the paragraph provides for licenses to purchase supplies for "the homeward voyage." It then says that such vessels, having obtained the required licenses, shall also be accorded upon all occasions such facilities for the purchase of casual or needful supplies as are ordinarily accorded to trading vessels.

If these last-mentioned words have the meaning imputed to them by the President, the words immediately preceding are absolutely useless and can have no meaning whatever; for the privilege, if expressed, is included within those afterwards used, and as the two phrases stand in immediate connection with each other, the absurdity of their insertion in such a case could not possibly have been overlooked by any intelligent person. And if such a really broad provision as is supposed was intended to be inserted in the treaty—one which was intended to

completely reverse the whole British pretension upon the subject, and put our fishing vessels, for all purposes of provisions and supplies, upon the same footing that British fishing vessels occupy in the United States and that American trading vessels do in the British provinces—it certainly should, and probably would, have been stated in language incapable of sincere misunderstanding.

What the committee thinks it means is that an American fishing vessel, having obtained a license to purchase provisions on and for the homeward voyage, which is all that the first clause says or describes, viz, the mere act of obtaining the license upon application, such vessel, having obtained such license, shall, upon all occasions to which the license, viz, upon all occasions of the homeward voyage, be accorded facilities for doing what the license says she may. This, the committee thinks, is the literal and grammatical construction of the paragraph, and all that can be extracted from it by the ordinary principles of construction.

The whole of this article, then, as it appears to the committee, is one that would be totally derogatory to the honor and interests of the United States to agree to. The committee can never recommend or agree that any American vessel or citizen shall receive less free and favorable treatment in any foreign port whatever than is accorded to the vessels or subjects of such foreign country by the laws and policy of the United States.

The subject of commercial rights, viewed in another aspect, compels the inquiry whether it is not entirely absurd to consider that if a British port existed on the southwestern or western coast of Newfoundland, or on the coast of Labrador, in respect of which, by the treaty of 1818, there is no exclusion of American vessels from territorial waters, such American vessel could, so far as the treaty of 1818 is concerned, enter such port for all and the same purposes that any other American vessel could, and that, under the same treaty, 50 miles to the eastward, on the southern coast of Newfoundland, the very same American vessel should not now have any right of entry for the same purpose?

The twelfth article of the treaty under consideration provides that—

Fishing vessels of Canada and Newfoundland shall have on the Atlantic coast of the United States all the privileges reserved and secured by this treaty to United States fishing vessels in the aforesaid waters of Canada and Newfoundland.

If this article was intended to put Canadian fishing vessels upon the same footing only in American ports and waters that American vessels are put in Canadian ports and waters, there would be mutuality and equality, however narrow, in it. But this, evidently, was not the purpose of the article; for it is evident to the committee that Great Britain would not have consented to any such great diminution of the rights of her fishing vessels as they now exist in the ports and waters of the United States. The article itself, it will be seen, while somewhat obscure, is still drawn in such a way as only to be affirmative, and measures privileges, reserved and secured, and says nothing of conditions and limitations and nothing of ports, etc. But, however this may be, the committee does not think that it comports with the dignity or hospitality of the United States to deny to British North American fishing vessels or those of any other country the ordinary commercial rights, hospitalities, and humanities that are now supposed to be nearly universal among nations calling themselves civilized, unless, unhappily they should be compelled to do so in order to induce just and hospitable treatment to the vessels of our own country.

The thirteenth article provides that the Secretary of the Treasury of the United States shall make regulations for the conspicuous exhibition by every United States fishing vessel of its official number on its bows, and that no vessel shall be entitled to the licenses provided in the treaty which shall fail to comply with such regulations. This provision, on its face and taken literally, applies to every fishing vessel of the United States, whether it is ever to enter Canadian waters or not, and it is a law to the Secretary of the Treasury of perpetual application.

But assuming, however mistaken the language may have been for this purpose, that it is only to apply to United States fishing vessels entering Canadian ports or waters, it is bad enough, for it proceeds upon the idea that vessels of the United States engaged in the occupation of fishing are to be put under a ban of specific apparel and appearance that is not imposed upon any other vessel.

By the article next preceding, and already commented upon, all Canadian fishing vessels are entitled in our waters to all the privileges that American fishing vessels are entitled to have in Canadian waters so far as it regards fishing, at least; but they are not required to be thus numbered and marked. A hundred Canadian fishing vessels may anchor in the harbor of Gloucester, the great fishing port of the United States, and be entitled to every right and every hospitality only upon the evidence of their papers, which show their nationality and that they are not pirates; but if a single American fishing vessel appears in the harbor of Halifax, and under the guns of Her Majesty's forts, she can not obtain any supplies, and her crew may starve at anchor unless upon each bow there is the number affixed by order of the Secretary of the Treasury of the United States. Certainly, American fishermen, and, we should hope, every other American citizen, would not be proud of such a distinction.

The fourteenth article of the treaty deals with the subject of penalties for fishing contrary to the treaty of 1818 and the first article of this treaty, and thereby the United States are to agree that such penalty may extend to forfeiture, etc. This is a singular provision (and probably unique) to be found in a treaty between two civilized nations, the general tenor of whose laws and the general social nature of whose institutions are very nearly homogeneous.

The article also provides for a limitation or an exception, as the case may be, of the legal penalties for other violations of fishery rights, \$3 a ton.

It also provides that the proceedings shall be summary and as inexpensive as practicable, and that the trial shall be at the place of detention—the place of detention being left to the discretion of the seizing authorities, for without special provision the seized vessel could be taken to any port in the Dominion.

It then provides that security for costs shall not be required of the defense except when bail is offered; that is to say, that when a vessel, with all its furniture, tackle, apparel, and cargo, and its captain and all its crew are seized and arrested and taken to a place of detention, security for costs shall not be required until the arrested citizen of the United States shall desire to release his vessel or get out of prison.

This certainly must be only what every just government would provide of itself. The same may be said of all the other provisions of this article. They are all identical with or analogous to the practice of civilized governments, and rest upon common principles of good administration of justice. Surely they should need no treaty contract to bring them into practice.

The fifteenth article of the treaty is open and conditional, and provides that when the United States shall admit British North American fish oil, whale oil, seal oil, and fish of all kinds, except fish preserved in oil, free of customs duties, the like products of the United States shall be admitted free into British North America, and it is also provided that in that case United States fishing vessels may be entitled—not to fish inshore, as the treaty of 1871 provided, but—to annual licenses for the following purposes in British North America:

- (1) The purchase of provisions, bait, ice, seines, supplies, etc.
- (2) The transshipment of catch.
- (3) The shipping of crews, but that supplies shall not be obtained by barter.

(4) And that the like privileges shall be continued or given to fishing vessels of British North America on the Atlantic coast of the United States.

This is a much worse “reciprocity” than existed under the treaty of 1871, for while the treaty of 1871 was silent in respect of commercial rights in either country and left the matter of the commercial rights standing upon mutual legislative regulations of the two countries, this treaty limits the rights of the fishing vessels to certain specified forms and descriptions of commercial privileges, though it does seem to recognize the truth that would otherwise appear to have been forgotten in the negotiations, that Canadian fishing vessels now have commercial rights and privileges in the ports of the United States.

The impolicy of the general provisions of article 15 have already been twice fully demonstrated, and on the last occasion of the kind were unanimously abrogated by Congress. It is thought needless to now go into a discussion of that subject.

We have thus briefly reviewed all the substantial articles of the treaty of positive obligation excepting Article IX, which declares that nothing in the treaty shall affect the free navigation of the Strait of Canso. This article was evidently inserted on account of the renunciation by the United States of its rights in Chedabucto Bay, this bay being at the southern entrance of that strait.

It is almost unnecessary to say that the committee is fully sensible that in many matters of fair difference and of doubtful consideration between two governments, in order to arrive at an amicable composition thereof there must be mutual concessions, and that the same is true in respect of entering into new engagements for commercial and other intercourse between nations, in order that, in the last-named case, perfect mutuality of right and privilege may be had in respect of the same matters; but the committee does not think that the proposed treaty can be justified in this way.

This idea of concession was doubtless the ground and guide upon which the treaty of 1818 was founded. At the time of that treaty the United States claimed (and justly, as the committee thinks) that the fishing rights recognized by the treaty of 1783 on all the shores of British North America were property rights and that they were not lost by the war of 1812, and that after the treaty of peace of 1814, which made no mention of the subject, those rights existed with all their original force.

The British Government insisted upon the contrary and that the right of citizens of the United States to fish in any British North American waters had been entirely lost. This led to a partition of the disputed territory—whether wise or unwise is immaterial to the present

question—but in making this settlement the contracting parties had evidently in view the then understood law of nations, that territorial waters only extended to 3 miles from the shore; and they also had in view the then existing state of treaty and legal relations between Great Britain and the United States in respect of intercourse between the British North American provinces and this country, and the treaty provided in clear terms where, in British waters, United States fishermen might fish and where they might not.

The only possible question that could fairly arise under the treaty of 1818 was the question what was a British bay. But the question, as a practical one, has been, in all the sixty-nine years since the making of that treaty, of little or no account; for, so far as is known, the only seizure of an American vessel by the British authorities for fishing more than 3 miles from the shore in a bay more than 6 miles wide was the seizure of the *Washington* in 1843, and in that case, as has been before stated, the international umpire decided the seizure to have been an illegal and unjust one.

What American fishermen, standing in all other respects on the footing of other Americans engaged in business on the sea, might do in their character as fishermen in the territorial waters and harbors of British North America was clearly stated and in language that would seem to have been incapable of sincere misunderstanding.

The whole of the substance of the present state of the difficulty and discord has arisen from the course of the British and Canadian legislation and administration, directed against the vessels and fishermen of the United States in respect of their coming into British North American ports or harbors or within 3 miles of their shores, either under treaty rights or commercial rights.

In view of the plain history of these transactions and of the matters hereinbefore stated, it does not seem to the committee that the existing matters of difficulty are subjects for treaty negotiation; and such appears to have been the opinion of the Senate by its action and by the remarks of many of its members of both political parties and by the action of the House of Representatives upon and in the passage of the act of March 3, 1887, and its approval by the President.

No new event or situation of affairs has arisen since that time, and the only real questions subsisting between the two countries in respect of the subject were those of reclamations by the United States for outrages upon its citizens, for which this treaty makes no provision, and the question of whether the mutual arrangements of 1830 and the mutual rights of transit under the treaty of 1871 shall continue.

This treaty makes no provision for an indemnity. It does make provision for establishing forever the full measure and limit of rights and privileges to be enjoyed by fishing vessels of the United States, whatever other character they may also have and appear in, in the ports and waters of British North America, and it thus surrenders rights and privileges that the committee thinks are clearly and fully established under the arrangements of 1830 and the treaty of 1871, or, if such rights and privileges can be claimed not to exist in these respects, that it provides, as of original and perpetual engagement, for the exclusion of the American vessels engaged in a particular occupation on the high seas from the ordinary humanities and hospitalities and equalities enjoyed in the British North American ports by all other vessels of the United States, and, so far as is known, all the vessels of every character of every other country, while at the

same time British North American vessels engaged in the same occupation and in the same seas have, without restraint, every right and facility of commerce, hospitality, and immunity in all the ports of the United States. To enter into such an engagement, finally and perpetually, as this the committee thinks contrary to the dignity and just interests of the United States.

The committee regrets that these conclusions do not meet the approval of all its members. It had hoped, as has been the case generally hitherto, that no influences or divisions of a nature coincident with the lines of political parties would enter into a matter of this character, and that, as was the case only a little more than a year ago, all Senators of all political parties would unite in standing firmly in the attitude taken in the winter of 1886-87 and culminating in the act of March 3, 1887, and in declining, at whatever cost, to enter into any new engagements with the British Government that should leave any American citizen, engaged in whatever occupation or business, deprived of any right or privilege, other than fishing, in any British North American or other waters, that is or may be granted to citizens of the United States engaged in any other occupation, and that have been and are fully and freely granted by the United States to every British subject, whatever may be his occupation.

The committee thinks it due to the Senate to state that, contrary (as it believes) to the universal previous practice of the Executive in connection with the consideration of treaties when the Senate has asked for all the papers and information in detail concerning the progress of the negotiations, the Executive has not thought it for the "public interest," in this instance, to communicate all such papers and such detailed information to the Senate, although the Senate requested it; and it was stated in reply to the resolution of request that the deliberations of the plenipotentiaries were in confidence, and "that only results should be announced and such other matters as the joint protocolists should sign under the direction of the plenipotentiaries."

It is, however, stated that every point submitted in conference is covered by papers already in possession of the Senate, excepting the question of damages sustained by our fishermen, and which, it is stated, was met by a counterclaim for damages to British vessels in the Bering Sea. It is then added that—

To the discretion and control of the Executive are intrusted the initiation and conduct of the negotiation of treaties, and without the guaranty of mutual and implicit confidence between the agents, negotiations for the voluntary adjustment of vexed questions in controversy between nations could not hopefully be entered upon.

It thus appears to be claimed by the Executive that the Senate, without whose advice and consent no treaty can be concluded, has no right to be informed, confidentially, of the course of negotiations and discussions and the various propositions and arguments pro and con arising in the negotiation of a treaty. The committee feels it to be their duty to protest against any such assumption. It believes that such a claim is contrary to the essential nature of the constitutional relations between the President and the Senate on such subjects, and that it is the reverse of the continuous practice in such matters from the commencement of the Government to this time.

The principal points of the treaty, etc., that have been considered by the committee in the foregoing statement and discussion may be summarized substantially as follows:

SUMMARY.

I. The United States recognize as British territory and renounce forever all claim of independent right in all the great bays along the British North American coasts, named in the treaty, and admit that all such bays form a part of and are within British territorial sovereignty and jurisdiction.

II. Of the few of such great bays that are left to be visited by American fishermen the larger part are understood to be valueless, and some of them are subject to French fishery rights older than our own, if they are British bays.

III. If bay fishing is not profitable now it may be in the future.

IV. Whether profitable or not, the United States ought not to give up, upon any consideration whatever, the right of its vessels of every character to visit and carry on business in any part of the public seas.

V. The treaty surrenders the claim and right of the United States, which has been acted upon and exercised for now more than a century, of its vessels engaged in fishing or other occupations to visit and carry on their business in these great bays, and the principle of which claim and right has once been solemnly decided against Great Britain by a tribunal organized under a treaty with that Government.

VI. The new area of delimitation described in the treaty greatly increases the danger of our fishermen unintentionally invading prohibited waters, and thereby exposing them to seizures and penalties.

VII. The treaty, by its fifth article, renounces any right of the United States in any bay, etc., however large, that "can not be reached from the sea without passing within the 3 marine miles mentioned in article 1 of the convention of October 20, 1818," thus excluding vessels of the United States from all waters, however extensive, and the distance between whose headlands is however great, the sailing channel to which may happen to be within 3 miles of the shore.

VIII. The treaty is a complete surrender of any claim of a right now existing either under the treaty of 1783, the treaty of 1818, the acts of Congress and the British orders in council of 1830, or the twenty-ninth article of the treaty of 1871, for vessels of the United States engaged in fishing anywhere on the high seas, and even having a commercial character also, to enter any port of British North America for any commercial purpose whatever, and puts in the place of these clear rights, which in respect of British fishing vessels exist in the United States to the fullest extent, greatly restricted and conditional rights as arising solely from a present grant of Great Britain.

IX. It binds the United States to be content with whatever is given by this treaty as the full measure of its rights, and to be content with it forever, or until greater hospitality and freedom of intercourse can be obtained by further concessions or considerations on our part.

X. In the face of all this it leaves British North American fishing vessels possessed of all commercial rights in all the ports and waters of the United States.

XI. Whatever privileges of commerce, hospitality, or humanity are thus provided for in the treaty are to be obtained only upon condition that no fishing vessel of the United States shall receive any of them unless such fishing vessel shall, under regulations of the Secretary of the Treasury of the United States, be branded with an official number on each bow, and that such regulation shall, before they become effectual, be communicated to Her Majesty's Government.

XII. It provides that general, and even then, much limited, commercial rights and rights of transshipment, as mentioned in article 15, shall be obtained only at the price of exempting all Canadian fishery products from our custom duties.

XIII. Its provisions concerning the executive and judicial treatment of American vessels and fishermen that may be seized or arrested for supposed illegal conduct are, to make the most of them, nothing other, and probably something less, than a statement of what the laws and conduct of any administration of every government professing to be civilized should adopt and exercise as an act of duty and justice.

XIV. Instead of diminishing sources of irritation and causes of difficulty, different interpretations, and disputes, it will, the committee thinks, very largely increase them.

Various other suggestions adverse to the wisdom of ratifying this treaty might easily be made, but the committee does not think it necessary to go into them.

The committee can not but hope that if these ill-advised negotiations, which, as is known to all the world, can not properly commit the United States in any degree until they shall have received the constitutional assent of the Senate, shall fail to meet the approval of this body, Her Majesty's Government will take measures to secure justice and fair treatment in her North American dominions to American vessels and American citizens in all respects and under all circumstances, and that that Government will see the justice and propriety of according to American vessels engaged in the business of fishing all the commercial rights and facilities in her North American ports that are so freely and cheerfully accorded to her own in the ports of the United States, and that thus the friendship and good feeling which ought to exist between neighboring nations may be finally established and secured.

JOHN SHERMAN.
GEO. F. EDMUNDS.
WM. P. FRYE.
WM. M. EVARTS.
J. N. DOLPH.

MAY 7, 1888.

VIEWS OF THE MINORITY OF THE COMMITTEE ON FOREIGN RELATIONS UPON THE TREATY SIGNED ON THE 15TH FEBRUARY, 1888, BY THE PLENIPOTENTIARIES OF THE UNITED STATES AND GREAT BRITAIN, DISSENTING FROM THE REPORT OF THE MAJORITY OF THAT COMMITTEE, WHICH RECOMMENDS THAT THE SENATE REFUSE TO ADVISE AND CONSENT TO THE RATIFICATION OF SAID TREATY.

The minority of the Committee on Foreign Relations dissent from the report of the majority recommending the rejection of the treaty with Great Britain dated February 15, 1888, and submitted to the Senate for its consideration, and present the following as their principal reasons for their dissent:

Two objections to this treaty were stated in committee.

(1) That it had been negotiated and signed by persons who were not duly empowered, under the Constitution and laws of the United States, to conduct and conclude a treaty.

(2) That the treaty, on its merits, should not be ratified by the Senate.

To meet the first objection, a member of the minority of the committee introduced the following resolution:

Resolved, That the treaty signed by Thomas F. Bayard, William L. Putnam, and James B. Angell, as plenipotentiaries of the United States, in conjunction with the British plenipotentiaries, on the 15th day of February, 1888, and sent to the Senate by the President as a treaty duly negotiated, for the consideration and action of the Senate, is properly authenticated as a treaty made by the President of the United States, acting within his constitutional powers, and is lawful and valid as a negotiation.

The purpose of this resolution was to bring before the Senate, in distinct form, the recommendation of the committee as to the merits of the treaty, apart from any collateral matter relating to the negotiation of the instrument.

In committee this resolution was laid upon the table, and thereby any recommendation as to the question it presents in answer to the first objection to the treaty, as above stated, was avoided.

The minority of the committee hold that it is entirely competent for a majority in the Senate to declare that the treaty has been negotiated and signed in a proper manner, and by persons duly qualified, or otherwise to return it to the President as a paper that does not call into exercise the powers and jurisdiction of the Senate upon the question of its ratification by them. And if a majority in the Senate shall declare that the treaty is sent to the Senate by the President and is duly signed and authenticated, or if no objection to it on that ground is made, then the subject-matter of the treaty is in order and should be considered by the Senate.

It is not disputed, or, so far as the undersigned are informed, doubted, by anyone that the Senate may accept and ratify, on the part of the United States, any treaty that the President has made with a foreign government, that he sends to the Senate for consideration, and may waive any informality attending its negotiation.

In accepting the paper sent to the Senate by the President as a treaty, and by referring the same to its committee, the Senate have virtually waived any informality, if there is any, in the negotiation and signing of the instrument, and the undersigned conceive that the whole duty of the committee was to consider and report upon the merits of the treaty.

The undersigned will, therefore, present their views upon the substance of the treaty first, and will then state the reasons that force them to the conclusion that there can be no just ground for the rejection of the treaty growing out of the manner of its negotiation.

If it is better for the country that the treaty should be ratified, the rejection of it for matters that are merely formal or technical, in so grave an emergency as is now presented in connection with this old and harassing controversy, would be a serious injury to the country.

The undersigned believe that it is better for our country that the treaty should be ratified, and they are equally convinced that the entire class of our people who are actively engaged in our North Atlantic fishing industry will be benefited by its ratification.

The first article of the treaty of 1818 is as follows:

Whereas differences have arisen respecting the liberty claimed by the United States, for the inhabitants thereof, to take, dry, and cure fish on certain coasts, bays, harbors, and creeks of His Britannic Majesty's dominions in America, it is agreed between the high contracting parties that the inhabitants of the said United States shall have forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and

northern coast of Newfoundland; from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbors, and creeks from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly, indefinitely, along the coast, without prejudice, however, to any of the exclusive rights of the Hudson Bay Company. And that the American fishermen shall also have liberty forever to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland hereabove described, and of the coast of Labrador; but so soon as the same or any portion thereof shall be settled it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America not included within the above-mentioned limits: *Provided, however,* That the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

Articles 18 to 25, both inclusive, of the treaty of 1871 covered the whole subject of the fishing rights and liberties between the United States and the British North American colonies, "in addition" to those secured by the treaty of 1818. No other articles in the treaty of 1871 related to the fisheries or the rights of fishermen. When the United States abrogated these articles that completely ended the influence of that treaty over our fishing rights. Article 29 was not terminated, but it never had the least reference to the fisheries treaty of 1818, to enlarge its scope, change its meaning, or in any way to affect any right to which that treaty related. Yet if that is not the true meaning of the twenty-ninth article of the treaty of 1871, this present treaty in no way affects that article, and it stands for all that it was ever worth in favor of our fishermen.

I.

GENERAL STATEMENT OF THE SITUATION WHICH HAS RESULTED FROM THE "MISUNDERSTANDING" AS TO THE TRUE MEANING OF THE TREATY OF 1818.

During seventy years the people of the United States and of the British North American provinces in the northeast have been frequently engaged in contention and dispute, in controversy and conflict, about the true interpretation of the fisheries treaty of 1818.

The most frequent and serious disagreements have arisen under the proviso to the first article, which is as follows:

Provided, however, That the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter and of repairing damages therein, and of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

This proviso, as it was proposed by our negotiators, contained the words "and bait" after the word "water." These words were stricken out, with the consent of our commissioners. The right to obtain bait was thus finally disposed of as a treaty right.

In this proviso the four distinct "privileges hereby reserved to" American fishermen are stated definitely, while "such restrictions as

may be necessary to prevent" them in any manner from "abusing the privileges" reserved to them are not defined, except in the most general terms.

American fishermen are placed "under such restrictions" with no guaranty as to the jurisdiction, whether provincial or imperial, that shall promulgate and enforce them; or whether they shall be declared by legislative authority, or administered by executive authority or by the judiciary.

It was contemplated in this treaty that further definitions on these delicate questions should be settled, either by the future agreement of the treaty powers, or that Great Britain should choose the tribunals that would declare and enforce these "restrictions" against American fishermen, subject only to the requirement that they should be "such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them."

That controversies would arise under this uncertain definition of the power to prescribe restrictions to our fishermen in the enjoyment of positive treaty rights was as certain in 1818 as seventy years' experience has proven it to be, in an unfortunate history.

It was probably expected in 1818 that the good sense of the people and the good will of their Governments would enable them to arrange these indefinite "restrictions" by precedent and acquiescence, and thus adopt a series of regulations the justice and propriety of which all would admit. But such hopes, if they were entertained, have been disappointed, and the eager rivalry that a very lucrative employment has stimulated has involved the people and their Governments in dangerous controversies as to the "restrictions" that were left without accurate definition in the proviso to the first article of the treaty of 1818.

Efforts have been made, that were for a time successful, to compose these and other troublesome questions growing out of article 1 of the treaty of 1818 by new treaty arrangements relating to the fisheries in British waters on the northeastern coasts.

In the treaty of 1854 the repose of these questions was secured for a time for the consideration of a liberal reciprocity extending to a variety of subjects. The right of the free navigation of the St. Lawrence River was included in that reciprocal agreement and was made perpetual by the reciprocity treaty of 1871.

In the treaty of 1871 we again put these questions to rest for a time by the promise of enough money to equalize the possible advantages of the Canadian and other fisheries over those on our coast north of 39° north latitude.

Neither of these arrangements proved satisfactory to us as to the fisheries, and they were terminated by the United States.

In addition to these efforts, our diplomatists have employed every argument that seemed possible, through many years of laborious correspondence and conference, to find a ground of mutual understanding and consent as to the true interpretation of the treaty of 1818.

Without attempting to state all the cases of warnings, seizures, fines, and confiscations, of searches and captures and other rigorous applications of "restrictions" that have been visited upon our fishermen, it is painfully true that they have been very numerous, frequently very aggravated, and have caused our fishermen great expense and serious losses.

Every fishing season when the reciprocity treaties were not in force has added to these complications and rendered their solution more difficult.

That very little progress has been made in reaching a common basis of agreement in the solution of these contentions and conflicting constructions of the proviso in article 1 of the treaty of 1818, or in respect of the headland theory (which is based, as we understand, upon the language of that proviso and the preceding parts of that section, and not upon the principles of international law), is apparent from the citations of cases that have arisen since 1818, presently to be made.

Instead of a nearer approach to such an understanding as to a true and mutually acceptable construction of the first article of the treaty, a wider divergence of opinion and a more determined contention have characterized the diplomacy of both the treaty powers.

We seem now to have reached a point where we must seek to allay the growing bitterness of these differences by a friendly, sincere, and mutually respectful consideration of the positions assumed by each Government, or else we must enforce our views by vigorous measures of retaliation.

It seems to have become necessary to make such modifications of that treaty as are suggested by our changed commercial relations since 1818, and also by our methods of fishing with purse seines and of preserving fish in ice and snow, which have grown up into almost entirely new systems, with new attending wants, in the past thirty years.

The gradual abridgment of our right to land and cure fish on the shores of the British possessions as the country along the shores should become populated was provided for in the treaties of 1783, 1818, 1854, and 1871. This feature in a treaty is thought to be entirely novel. It relates to a future expected change in the condition of the then uninhabited coasts of British America. It certainly suggests in a forcible way that it was contemplated that future modifications of the treaties would be necessary to meet these changed conditions when they should occur.

The progress of civilization on the North American continent, with the necessary increase of commerce and of improvement in every industry, has wrought changes in the condition of the people which have demanded, from time to time, changes in the treaty relations of the adjoining countries that were indispensable.

The right of navigating the Mississippi and St. Lawrence rivers, as now agreed upon, is a most forcible illustration of this necessity for an international policy, modified by international agreement, that will provide for the mutual wants and advantages of these adjoining countries as the occasion demands.

An inflexible adherence to the literal construction of ancient agreements that have become too narrow for the convenience of either country, whether it results from national jealousy or commercial rivalry, creates an incubus upon the progress of the communities concerned that is derogatory to those who refuse to yield their prejudices.

Mr. Bayard, in presenting to the consideration of the British Government the reasons for a more liberal interpretation of the treaty of 1818 and for an enlargement of the privileges of our fishermen in the colonial ports, strongly urged the necessity for this relaxation of the strict and literal construction placed by that Government on that treaty because of the growth of the commerce of both countries, the building of vast lines of railways, the increase of population, the en-

larged demand for the products of the fisheries, and the more intimate commercial and social relations of the people.

Such considerations demand careful attention and are of themselves sufficient reasons to induce both Governments to lay aside prejudices and resentments and to induce their people to cultivate friendly relations rather than to put their welfare at hazard by fostering ill will toward each other, resulting in continual strife.

To show the very serious results of a different policy, the undersigned present the following statement of cases that have arisen out of the conflicting views as to the meaning of the first article of the treaty of 1818. It is probably far short of the full list of cases that have actually occurred, but it is large enough to disclose the fact that wide and serious differences have existed since 1819 in the interpretation of that treaty, attended with complaints and remonstrances and protests, followed by diplomatic correspondence, and at times threatening the gravest consequences to the peace of the two countries.

In all the long list of cases that are here referred to only in one case, that of the *Washington*, seized for fishing in the Bay of Fundy in 1843, has any reparation been made for any wrong done our fishermen under the treaty of 1818.

Reparation was not, indeed, demanded in any such case until 1886.

List of cases above referred to.

1. June 26, 1822, *L'Orient* seized, taken to St. John, and condemned September 14, 1822.
2. In 1823 *Charles of York*, Maine, seized by the *Argus* and taken into port for trial.
3. July 18, 1824, *Gallion* seized, taken to St. John, and condemned August 16, 1824.
4. July 18, 1824, *William* seized, taken to St. John, and condemned August 16, 1824.
5. October 7, 1824, *Escape* seized, taken to St. John, and condemned November 18, 1824.
6. October 7, 1824, *Rover* seized, taken to St. John, and condemned November 18, 1824.
7. October 7, 1824, *Sea Flower* seized, taken to St. John, and condemned November 18, 1824.
8. June 1, 1838, *Hero* seized, taken to Halifax, and condemned January 28, 1839.
9. November 1, 1838, *Combene* seized, taken to Halifax, and condemned January 28, 1839.
10. May —, 1839, *Java* seized, taken to Halifax, and condemned August 5, 1839.
11. June 4, 1839, *Shetland* seized, taken to Halifax, and condemned July 8, 1839.
12. May 26, 1839, *Independence* seized, taken to Halifax, and condemned August 5, 1839.
13. May 25, 1839, *Magnolia* seized, taken to Halifax, and condemned August 5, 1839.
14. May —, 1839, *Hart* seized, taken to Halifax, and condemned August 5, 1839.
15. June —, 1839, *Batelle* seized, taken to Halifax, and condemned July 8, 1839.
16. June 14, 1839, *Hyder Ally* seized, taken to Halifax, and condemned July 8, 1839.
17. June 14, 1839, *Eliza* seized, taken to Halifax, and condemned July 8, 1839.
18. June —, 1839, *May Flower* seized, taken to Halifax, and restored to its owners.
19. June 2, 1840, *Papineau* seized, taken to Halifax, and condemned July 10, 1840.
20. June 2, 1840, *Mary* seized, taken to Halifax, and condemned July 10, 1840.
21. September 11, 1840, *Alms* seized, taken to Halifax, and condemned December 8, 1840.
22. September 18, 1840, *Director* seized, taken to Halifax, and condemned December 8, 1840.
23. October 1, 1840, *Ocean* seized, taken to Halifax, and condemned December 8, 1840.
24. May 6, 1841, *Pioneer* seized, taken to Halifax, and condemned August 18, 1841.
25. May 20, 1841, *Two Friends* seized, taken to Halifax, and restored.
26. September 20, 1841, *Mars* seized, taken to Halifax, and condemned November 2, 1841.

27. September 20, 1841, *Egret* seized, taken to Halifax, and condemned November 2, 1841.
28. October 13, 1841, *Warrior* seized, taken to Halifax, and condemned November 9, 1841.
29. October 13, 1841, *Hope* seized, taken to Halifax, and restored.
30. October 13, 1841, *May Flower* seized, taken to Halifax, and condemned December 7, 1841.
31. May 7, 1843, *Washington* seized, taken to Halifax, and condemned August 1, 1843.
32. In 1844, *Argus* seized by the *Sylph*, off the coast of Cape Breton, when "15 miles from any land." "This was the second seizure under the new construction of the treaty of 1818."
33. In 1845, "an American fisherman * * * was seized in the Bay of Fundy, at anchor inside the light-house at the entrance of Digby Gut."
34. In 1846, "the seizure and total loss of several American vessels," not named, is noted in S. Doc. 22, second session Thirty-second Congress.
35. May 10, 1848, *Hyades* seized, taken to Halifax, and condemned September 5, 1848.
36. May 11, 1849, *Leonidas* seized, taken to Halifax, and condemned June 29, 1849.
37. September 14, 1850, *Harp* seized, taken to Halifax, and condemned January 28, 1851.
38. October 29, 1851, *Tiber* seized, but there is no information as to the disposition made of it.
39. June 16, 1852, *Coral* seized, taken to St. John, and condemned July 28, 1852.
40. July 20, 1852, *Union* seized, taken to Charlottetown, and condemned September 24, 1852.
41. August 5, 1852, *Florida* seized, taken to Charlottetown, and condemned September 7, 1852.
42. September 11, 1852, *Caroline Knight* seized, taken to Charlottetown, and condemned.
43. In 1852, *Golden Rule* detained and taken to Charlottetown, and liberated on the owner acknowledging violation of the treaty and that the liberation was an act of clemency.
44. November 16, 1869, Vice-Admiral Wellesley reported that during the past season 162 vessels had been boarded by the British cruisers, of which 131 within the 3-mile limit had been warned once and 19 had been warned twice.

In 1870 the following eleven vessels were seized and taken into the provincial ports, some of which were condemned, while others, perhaps, were liberated: June 27, *Wampatuck* (condemned); June 30, *J. H. Nickerson* (taken to Halifax); August 27, *Lizzie A. Tarr* (condemned); September 30, *A. H. Wouson* (taken to Halifax); October 15, *A. J. Franklin* (taken to Halifax); November 8, *Romp*; November 25, *White Fawn* (taken to St. John), and *S. G. Marshall*, *Albert*, and *Clara F. Friend*.

In January, 1878, the *Fred. P. Frye*, *Mary M.*, *Lizzie* and *Namari*, *Edward E. Webster*, *William E. McDonald*, *Crest of the Wave*, *F. A. Smith*, *Hereward*, *Moses Adams*, *Charles E. Warren*, *Moro Castle*, *Wildfire*, *Maud* and *Effie*, *Isaac Rich*, *Bunker Hill*, *Bonanza*, *Moses Knowlton*, *H. M. Rogers*, *John W. Bray*, *Maud B. Wetherell*, *New England*, and *Ontario* were driven from Long Harbor in Fortune Bay by the violence of a mob, which destroyed some of their seines, and did not again that season return to their fishing grounds. Twenty-two vessels were included in this list, the interference with which was made the occasion of a separate and important correspondence, conducted, on our side, chiefly by Mr. Evarts, Secretary of State.

The following lists are taken from the subjoined correspondence of Secretary Bayard and Professor Baird with Mr. Edmunds, chairman of the Committee on Foreign Relations:

Revised list of vessels involved in the controversy with the Canadian authorities.

DEPARTMENT OF STATE,

Washington, January 26, 1887.

SIR: Responding to your request, dated the 17th and received at this Department on the 18th instant, on behalf of the Committee on Foreign Relations, for a

revision of the list, heretofore furnished by this Department to the committee, of all American vessels seized, warned, fined, or detained by the Canadian authorities during the year 1886, I now inclose the same.

Every such instance is therein chronologically enumerated, with a statement of the general facts attendant.

Very respectfully, yours,

T. F. BAYARD.

Hon. GEORGE F. EDMUNDS,
United States Senate.

List of American vessels seized, detained, or warned off from Canadian ports during the last year.

1. *Sarah B. Putnam*, Beverly, Mass.; Charles Randolph, master. Driven from harbor of Pubnico in storm March 22, 1886.
2. *Joseph Story*, Gloucester, Mass. Detained by customs officers at Baddeck, Nova Scotia, in April, 1886, for alleged violation of the customs laws. Released after twenty-four hours' detention.
3. *Seth Stockbridge*, Gloucester, Mass.; Antone Olson, master. Warned off from St. Andrews, New Brunswick, about April 30, 1886.
4. *Annie M. Jordan*, Gloucester, Mass.; Alexander Haine, master. Warned off at St. Andrews, New Brunswick, about May 4, 1886.
5. *David J. Adams*, Gloucester, Mass.; Alden Kinney, master. Seized at Digby, Nova Scotia, May 7, 1886, for alleged violation of treaty of 1818, act of 59, George III, and act of 1883. Two suits brought in vice-admiralty court at Halifax for penalties. Protest filed May 12. Suits pending still, and vessel not yet released apparently.
6. *Susie Cooper* (Hooper?), Gloucester?, Mass. Boarded and searched, and crew rudely treated by Canadian officials in Canso Bay, Nova Scotia, May, 1886.
7. *Ella M. Doughty*, Portland, Me.; Warren A. Doughty, master. Seized at St. Ann's, Cape Breton, May 17, 1886, for alleged violation of the customs laws. Suit was instituted in vice-admiralty court at Halifax, Nova Scotia, but was subsequently abandoned, and vessel was released June 29, 1886.
8. *Jennie and Julia*, Eastport, Me.; W. H. Travis, master. Warned off at Digby, Nova Scotia, by customs officers, May 18, 1886.
9. *Lucy Ann*, Gloucester, Mass.; Joseph H. Smith, master. Warned off at Yarmouth, Nova Scotia, May 29, 1886.
10. *Matthew Keany*, Gloucester, Mass. Detained at Souris, Prince Edward Island, one day for alleged violation of customs laws, about May 31, 1886.
11. *James A. Garfield*, Gloucester, Mass. Threatened, about June 1, 1886, with seizure for having purchased bate in a Canadian harbor.
12. *Martha W. Bradley*, Gloucester, Mass.; J. F. Ventier, master. Warned off at Canso, Nova Scotia, between June 1 and 8, 1886.
13. *Eliza Boynton*, Gloucester, Mass.; George E. Martin, master. Warned off at Canso, Nova Scotia, between June 1 and 9, 1886. Then afterwards detained in manner not reported, and released October 25, 1886.
14. *Mascot*, Gloucester, Mass.; Alexander McEachern, master. Warned off at Port Amherst, Magdalen Islands, June 10, 1886.
15. *Thomas F. Bayard*, Gloucester, Mass.; James McDonald, master. Warned off at Bonne Bay, Newfoundland, June 12, 1886.
16. *James G. Craig*, Portland, Me.; Webber, master. Crew refused privilege of landing for necessities at Brooklyn, Nova Scotia, June 15 or 16, 1886.
17. *City Point*, Portland, Me.; Keene, master. Detained at Shelburne, Nova Scotia, July 2, 1886, for alleged violation of customs laws. Penalty of \$400 demanded. Money deposited, under protest, July 12, and in addition \$120 costs deposited July 14. Fine and costs refunded July 21, and vessel released August 26. Harbor dues exacted August 26, notwithstanding vessel had been refused all the privileges of entry.
18. *C. P. Harrington*, Portland, Me.; Frellick, master. Detained at Shelburne, Nova Scotia, July 3, 1886, for alleged violation of customs laws; fined \$400 July 5; fine deposited, under protest, July 12; \$120 costs deposited July 14; refunded July 21, and vessel released.
19. *Hereward*, Gloucester, Mass.; McDonald, master. Detained two days at Canso, Nova Scotia, about July 3, 1886, for shipping seamen contrary to port laws.
20. *G. W. Cushing*, Portland, Me.; Jewett, master. Detained July (by another report, June) 3, 1886, at Shelburne, Nova Scotia, for alleged violation of the customs laws; fined \$400; money deposited with collector at Halifax about

- July 12 or 14, and \$120 for costs deposited 14th; costs refunded July 21, and vessel released.
21. *Golden Hind*, Gloucester, Mass.; Ruben Cameron, master. Warned off at Bay of Chaleurs, Nova Scotia, on or about July 23, 1886.
 22. *Novelty*, Portland, Me.; H. A. Joyce, master. Warned off at Pictou, Nova Scotia, June 20, 1886, where vessel had entered for coal and water; also refused entrance at Amherst, Nova Scotia, July 24.
 23. *N. J. Miller*, Boothbay, Me.; Dickson, master. Detained at Hopewell Cape, New Brunswick, for alleged violation of customs laws, on July 24, 1886. Fined \$400.
 24. *Rattler*, Gloucester, Mass.; A. F. Cunningham, master. Warned off at Canso, Nova Scotia, June, 1886. Detained in port of Shelburne, Nova Scotia, where vessel entered, seeking shelter, August 3, 1886. Kept under guard all night and released on the 4th.
 25. *Caroline Vought*, Boothbay, Me.; Charles S. Reed, master. Warned off at Paspebiac, New Brunswick, and refused water, August 4, 1886.
 26. *Shiloh*, Gloucester, Mass.; Charles Nevit, master. Boarded at Liverpool, Nova Scotia, August 9, and subjected to rude surveillance.
 27. *Julia Ellen*, Boothbay, Me.; Burnes, master. Boarded at Liverpool, Nova Scotia, August 9, 1886, and subjected to rude surveillance.
 28. *Fredlie W. Allton*, Provincetown, Mass.; Allton, master. Boarded at Liverpool, Nova Scotia, August 9, 1886, and subjected to rude surveillance.
 29. *Howard Holbrook*, Gloucester, Mass. Detained at Hawkesbury, Breton, August 17, 1886, for alleged violation of the customs law. Released August 20 on deposit of \$400. Question of remission of fine still pending.
 30. *A. R. Crittenden*, Gloucester, Mass.; Bain, master. Detained at Hawkesbury, Nova Scotia, August 27, 1886, for alleged violation of customs laws. Four hundred dollars penalty deposited August 28, without protest, and vessel released. Three hundred and seventy-five dollars remitted, and a nominal fine of \$25 imposed.
 31. *Mollie Adams*, Gloucester, Mass.; Solomon Jacobs, master. Warned off into storm from Straits of Canso, Nova Scotia, August 31, 1886.
 32. *Highland Light*, Wellfleet, Mass.; J. H. Ryder, master. Seized off East Point, Prince Edward Island, September 1, 1886, while fishing within prohibited line. Seizure for forfeiture begun in vice-admiralty court at Charlottetown. Hearing set for September 20, but postponed to September 30. Master admitted the charge and confessed judgment. Vessel condemned and sold December 14. Purchased by Canadian Government.
 33. *Pearl Nelson*, Provincetown, Mass.; Kemp, master. Detained at Arichat, Cape Breton, September 8, 1886, for alleged violation of customs laws. Released September 9, on deposit of \$200. Deposit refunded October 26, 1886.
 34. *Pioneer*, Gloucester, Mass.; F. F. Cruched, master. Warned off at Canso, Nova Scotia, September 9, 1886.
 35. *Everett Steel*, Gloucester, Mass.; Charles H. Forbes, master. Detained at Shelburne, Nova Scotia, September 10, 1886, for alleged violation of customs laws. Released by order from Ottawa September 11, 1886.
 36. *Moro Castle*, Gloucester, Mass.; Edwin M. Joyce, master. Detained at Hawkesbury, Nova Scotia, September 11, 1886, on charge of having smuggled goods into Chester, Nova Scotia, in 1884, and also of violating customs laws. A deposit of \$1,600 demanded. Vessel discharged November 29, 1886, on payment, by agreement, of \$1,000 to Canadian Government.
 37. *William D. Daisley*, Gloucester, Mass.; J. E. Gorman, master. Detained at Souris, Prince Edward Island, October 4, 1886, for alleged violation of customs laws. Fined \$400, and released on payment; \$375 of the fine remitted.
 38. *Laura Sayward*, Gloucester, Mass.; Medeo Rose, master. Refused privilege of landing to buy provisions at Shelburne, Nova Scotia, October 5, 1886.
 39. *Marion Grimes*, Gloucester, Mass. Detained at Shelburne, Nova Scotia, October 9, for violation of port laws in failing to report at custom-house on entering. Fined \$400. Money paid under protest and vessel released. Fine remitted December 4, 1886.
 40. *Jennie Seaverns*, Gloucester, Mass.; Joseph Tupper, master. Refused privilege of landing, and vessel placed under guard at Liverpool, Nova Scotia, October 20, 1886.
 41. *Flying Seal*, Gloucester, Mass. Detained for alleged violation of customs laws at Halifax, November 1, or about that time. Released November 16, 1886.
 42. *Sarah H. Prior*, Boston, Mass. Refused the restoration of a lost seine, which was found by a Canadian schooner, December, 1886.
 43. *Boat (name unknown)*; Stephen R. Balcom, master. Eastport, Me. Warned off at St. Andrews, New Brunswick, July 9, 1886, with others.

44. *Two small boats* (unnamed): Charles Smith, Pembroke, Mo., master. Seized at East Quaddy, New Brunswick, September 1, 1886, for alleged violation of customs laws.
45. *Druid* (foreign built): Gloucester, Mass. Seized, warned off, or molested otherwise at some time prior to September 6, 1886.
46. *Abbey A. Snow*. Injury to this vessel has not been reported to the Department of State.
47. *Eliza A. Thomas*. Injury to this vessel has not been reported to the Department of State.
48. *Wide-Awake*, Eastport, Me.; William Foley, master. Fined at L'Etang, New Brunswick, \$75 for taking away fish without getting a clearance; again, November 13, 1886, at St. George, New Brunswick, fined \$20 for similar offense. In both cases he was proceeding to obtain clearances.

U. S. COMMISSION OF FISH AND FISHERIES,
Washington, D. C., February 5, 1887.

SIR: I forward herewith, for your information, a copy of a communication from Mr. R. Edward Earll, in charge of the Division of Fisheries of this Commission, accompanied by a list of New England fishing vessels which have been inconvenienced in their fishing operations by the Canadian authorities during the past season; these being in addition to the vessels mentioned in the revised list of vessels involved in the controversy with the Canadian authorities, furnished to your committee on January 26 by the Secretary of State.

The papers containing the statements were received from the owners, masters, or agents of the vessels concerned, and, though not accompanied by affidavits, are believed to be correct.

Very respectfully, yours,

SPENCER F. BAIRD,
Commissioner.

Hon. GEORGE F. EDMUNDS,
Chairman Committee on Foreign Relations, United States Senate.

U. S. COMMISSION OF FISH AND FISHERIES,
Washington, D. C., February 5, 1887.

SIR: Some time since, at your request, I mailed circulars to owners or agents of all New England vessels employed in the food-fish fisheries. These called for full statistics of the vessels' operations during the year 1886, and, in addition, for statements of any inconveniences to which the vessels had been subjected by the recent action of the Canadian Government in denying to American fishing vessels the right to buy bait, ice, or other supplies in its ports, or in placing unusual restrictions on the use of its harbors for shelter.

A very large percentage of the replies to these circulars have already been received, and an examination of same shows that in addition to the vessels mentioned in the revised list transmitted by the Secretary of State to the Committee on Foreign Relations of the United States Senate on January 26, 1887, 68 other New England fishing vessels have been subjected to treatment which neither the treaty of 1818 nor the principles of international law would seem to warrant.

I inclose for your consideration a list of these vessels, together with a brief abstract of the statements of the owners or masters regarding the treatment received. The statements were not accompanied by affidavits, but are believed to be entirely reliable. The name and address of the informant are given in each instance.

Very respectfully, yours,

R. EDWARD EARLL,
In charge Division of Fisheries.

Prof. SPENCER F. BAIRD,
United States Commissioner of Fish and Fisheries.

PARTIAL LIST OF VESSELS INVOLVED IN THE FISHERIES CONTROVERSY WITH THE
CANADIAN AUTHORITIES, FROM INFORMATION FURNISHED TO THE UNITED STATES
COMMISSIONER OF FISH AND FISHERIES.

[Supplementing a list transmitted to the Committee on Foreign Relations, United States Senate, by the Secretary of State, January 26, 1887.]

1. *Eliza A. Thomas* (schooner), Portland, Me.; E. S. Bibbs, master. Wrecked on Nova Scotia shore, and unable to obtain assistance. Crew not permitted to land or to save anything until permission was received from captain of

- cutter. Canadian officials placed guard over fish saved, and everything saved from wreck narrowly escaped confiscation. (From statements of C. D. Thomes, owner, Portland, Me.)
2. *Christina Ellsworth* (schooner), Eastport, Me.; James Ellsworth, master. Entered Port Hastings, Cape Breton, for wood; anchored at 10 o'clock and reported at custom house. At 2 o'clock was boarded by captain of cutter *Hector* and ordered to sea, being forced to leave without wood. In every harbor entered was refused privilege of buying anything. Anchored under lee of land in no harbor, but was compelled to enter at custom-house. In no two harbors were the fees alike. (From statements of James Ellsworth, owner and master, Eastport, Me.)
 3. *Mary E. Whorf* (schooner), Wellfleet, Mass.; Simon Berrio, master. In July, 1886, lost seine off North Cape, Prince Edward Island, and not allowed to make any repairs on shore, causing a broken voyage and a long delay. Ran short of provisions, and, being denied privilege of buying any on land, had to obtain from another American vessel. (From statements of Freeman A. Snow, owner, Wellfleet, Mass.)
 4. *Stowell Sherman* (schooner), Provincetown, Mass.; S. F. Hatch, master. Not allowed to purchase necessary supplies, and obliged to report at custom-houses, situated at distant and inconvenient places: ordered out of harbors in stress of weather, namely, out of Cascumpee Harbor, Prince Edward Island, nineteen hours after entry, and out of Malpeque Harbor, Prince Edward Island, fifteen hours after entry, wind then blowing too hard to admit of fishing. Returned home with broken trip. (From statements of Samuel T. Hatch, owner and master, Provincetown, Mass.)
 5. *Walter L. Rich* (schooner), Wellfleet, Mass.; Obadiah Rich, master. Ordered out of Malpeque, P. E. I., in unsuitable weather for fishing, having been in harbor only twelve hours. Denied right to purchase provisions. Forced to enter at custom-house at Port Hawkesbury, C. B., on Sunday, collector fearing that vessel would leave before Monday and he would thereby lose his fee. (From statements of Obadiah Rich, owner and master, Wellfleet, Mass.)
 6. *Bertha D. Nickerson* (schooner), Booth Bay, Me.; N. E. Nickerson, master. Occasioned considerable expense by being denied Canadian harbors to procure crew, and detained in spring while waiting for men to come from Nova Scotia. (From statements of S. Nickerson & Sons, owners, Booth Bay, Me.)
 7. *Newell B. Hawes* (schooner), Wellfleet, Mass.; Thomas C. Kennedy, master. Refused privilege of buying provisions in ports on Bay St. Lawrence, and in consequence obliged to leave for home with half a cargo. Made harbor at Shelburne, Nova Scotia, in face of storm, at 5 p. m., and master immediately started for custom house, 5 miles distant, meeting captain of cutter *Terror* on way, to whom he explained errand. On returning, found two armed men from cutter on his vessel. At 7 o'clock next morning was ordered to sea, but refused to go in a heavy fog. At 9 o'clock the fog lifted slightly, and, though the barometer was very low and a storm imminent, vessel was forced to leave. Soon met the heavy gale, which split sails, causing considerable damage. Captain of *Terror* denied claim to right of remaining in harbor twenty-four hours. (From statements of T. C. Kennedy, part owner and master, Wellfleet, Mass.)
 8. *Helen F. Tredick* (schooner), Cape Porpoise, Me.; R. J. Nunan, master. July 20, 1886, entered Port Latour, N. S., for shelter and water. Was ordered immediately to sea. (From statements of R. J. Nunan, owner and master, Cape Porpoise, Me.)
 9. *Nellie M. Snow* (schooner), Wellfleet, Mass.; A. E. Snow, master. Was not allowed to purchase provisions in any Canadian ports, or to refit or land and ship fish: consequently obliged to leave for home with broken trip. Not permitted to remain in ports longer than local Canadian officials saw fit. (From statements of J. C. Young, owner, Wellfleet, Mass.)
 10. *Gertrude Summers* (schooner), Wellfleet, Mass.; N. S. Snow, master. Refused privilege of purchasing provisions, which resulted in injury to voyage. Found harbor regulations uncertain. Sometimes could remain in port twenty-four hours, again was ordered out in three hours. (From statements of N. S. Snow, owner and master, Wellfleet, Mass.)
 11. *Charles R. Washington* (schooner), Wellfleet, Mass.; Jesse S. Snow, master. Master was informed by collector at Ship Harbor, C. B., that if he bought provisions, even if actually necessary, he would be subject to a fine of \$400 for each offense. Refused permission by the collector at Souris, P. E. I., to buy provisions, and was compelled to return home September 10, before close of fishing season. Was obliged to report at custom-house every time

- he entered a harbor, even if only for shelter. Found no regularity in the amount of fees demanded, this being apparently at the option of the collector. (From statements of Jesse S. Snow, owner and master, Wellfleet, Mass.)
12. *John M. Ball* (schooner). Provincetown, Mass.; N. W. Freeman, master. Driven out of Gulf of St. Lawrence to avoid fine of \$400 for landing two men in the port of Malpeque, P. E. I. Was denied all supplies, except wood and water, in same port. (From statements of N. W. Freeman, owner and master, Provincetown; Mass.)
 13. *Zephyr* (schooner). Eastport, Me.; Warren Pulk, master. Cleared from Eastport, May 31, 1886, under register for West Isles, N. B., to buy herring. Collector refused to enter vessel, telling captain that if he bought fish, which were plenty at the time, the vessel would be seized. Returned to Eastport, losing about a week, which resulted in considerable loss to owner and crew. (From statements of Guilford Mitchell, owner, Eastport, Me.)
 14. *Abdon Keene* (schooner). Bremen, Me.; William C. Keene, master. Was not allowed to ship or land crew at Nova Scotia ports, and owner had to pay for their transportation to Maine. (From statements of William C. Keene, owner and master, Bremen, Me.)
 15. *William Keene* (schooner). Portland, Me.; Daniel Kimball, master. Not allowed to ship a man or to send a man ashore except for water, at Liverpool, N. S., and ordered to sea as soon as water was obtained. (From statements of Henry Trefethen, owner, Peaks Island, Me.)
 16. *John Nye* (schooner). Swans Island, Me.; W. L. Joyce, master. After paying entry fees and harbor dues was not allowed to buy provisions at Malpeque, P. E. I., and had to return home for same, making a broken trip. (From statements of W. L. Joyce, owner and master, Atlantic, Me.)
 17. *Asa H. Pervere* (schooner). Wellfleet, Mass.; A. B. Gore, master. Entered harbor for shelter; ordered out after twenty-four hours. Denied right to purchase food. (From statements of S. W. Kemp, agent, Wellfleet, Mass.)
 18. *Nathan Cleaves* (schooner). Wellfleet, Mass.; P. E. Hickman, master. Ran short of provisions, and, not being permitted to buy, left for home with a broken voyage. Customs officer at Port Mulgrave, Nova Scotia, would allow purchase of provisions for homeward passage, but not to continue fishing. (From statements of Parker E. Hickman, owner and master, Wellfleet, Mass.)
 19. *Frank G. Rich* (schooner). Wellfleet, Mass.; Charles A. Gorham, master. Not permitted to buy provisions or to lay in Canadian ports over twenty-four hours. (From statements of Charles A. Gorham, owner and master, Wellfleet, Mass.)
 20. *Emma O. Curtis* (schooner). Provincetown, Mass.; Elisha Rich, master. Not allowed to purchase provisions, and therefore obliged to return home. (From statements of Elisha Rich, owner and master, Provincetown, Mass.)
 21. *Pleitudes* (schooner). Wellfleet, Mass.; F. W. Snow, master. Driven from harbor within twenty-four hours after entering. Not allowed to ship or discharge men under penalty of \$100. (From statements of F. W. Snow, owner and master, Wellfleet, Mass.)
 22. *Charles F. Atwood* (schooner). Wellfleet, Mass.; Michael Burrows, master. Captain was not permitted to refit vessel or to buy supplies, and when out of food had to return home. Found Canadians disposed to harass him and put him to many inconveniences. Not allowed to land seine on Canadian shore for purpose of repairing same. (From statements of Michael Burrows, owner and master, Wellfleet, Mass.)
 23. *Gertie May* (schooner). Portland, Me.; I. Doughty, master. Not allowed, though provided with permit to touch and trade, to purchase fresh bait in Nova Scotia, and driven from harbors. (From statements of Charles F. Guptill, owner, Portland, Me.)
 24. *Margaret S. Smith* (schooner). Portland, Me.; Lincoln W. Jewett, master. Twice compelled to return home from Bay of St. Lawrence with broken trip, not being able to secure provisions to continue fishing. Incurred many petty inconveniences in regard to customs regulations. (From statements of A. M. Smith, owner, Portland, Me.)
 25. *Elsie M. Smith* (schooner). Portland, Me.; Enoch Bulger, master. Came home with half fare, not being able to get provisions to continue fishing. Lost seine in a heavy gale rather than be annoyed by customs regulations when seeking shelter. (From statements of A. M. Smith, Portland, Me.)
 26. *Fannie A. Spurling* (schooner). Portland, Me.; Caleb Parris, master. Subjected to many annoyances, and obliged to return home with a half fare, not being able to procure provisions. (From statements by A. M. Smith, owner, Portland, Me.)

27. *Carleton Bell* (schooner). Booth Bay, Me.; Seth W. Eldridge, master. Occasioned considerable expense by being denied right to procure crew in Canadian harbors, and detained in spring while waiting for men to come from Nova Scotia. (From statements of S. Nickerson & Sons, owners, Booth Bay, Me.)
28. *Abbie M. Deering* (schooner). Portland, Me.; Emory Gott, master. Not being able to procure provisions, obliged to return home with a third of a fare of mackerel. (From statements of A. M. Smith, owner, Portland, Me.)
29. *Cora Louisa* (schooner). Booth Bay, Me.; Obed Harris, master. Could get no provisions in Canadian ports and had to return home before getting full fare of fish. (From statements of S. Nickerson & Sons, owners, Booth Bay, Me.)
30. *Eben Dale* (schooner). North Haven, Me.; R. G. Babbidge, master. Not permitted to buy bait, ice, or to trade in any way. Driven out of harbors, and unreasonable restrictions whenever near the land. (From statements of R. G. Babbidge, owner and master, Pulpit Harbor, Me.)
31. *Charles Haskell* (schooner). North Haven, Me.; Daniel Thurston, master. Obligated to leave Gulf of St. Lawrence at considerable loss, not being allowed to buy provisions. (From statements of C. S. Staples, owner, North Haven, Me.)
32. *Willie Parkman* (schooner). North Haven, Me.; William H. Banks, master. Unable to get supplies while in Gulf of St. Lawrence, which necessitated returning home at great loss, with a broken voyage. (From statements of William H. Banks, owner and master, North Haven, Me.)
33. *D. D. Geyer* (schooner). Portland, Me.; John K. Craig, master. Being refused privilege of touching at a Nova Scotia port to take on resident crew already engaged, owner was obliged to provide passage for men to Portland, at considerable cost, causing great loss of time. (From statements of F. H. Jordan, owner, Portland, Me.)
34. *Good Templar* (schooner). Portland, Me.; Elias Tarlton, master. Touched at La Have, Nova Scotia, to take on crew already engaged, but was refused privilege and ordered to proceed. The men being indispensable to voyage, had them delivered on board outside of 3-mile limit by a Nova Scotia boat. (From statements of Henry Trefethen, owner, Peaks Island, Maine.)
35. *Eddie Davidson* (schooner). Wellfleet, Mass.; John D. Snow, master. June 12, 1886, touched at Cape Island, Nova Scotia, but was not permitted to take on part of crew. Boarded by customs officer and ordered to sail within twenty-four hours. Not allowed to buy food in ports on Gulf of St. Lawrence. (From statements of John D. Snow, owner and master, Wellfleet, Mass.)
36. *Alice P. Higgins* (schooner). Wellfleet, Mass.; Alvin W. Cobb, master. Driven from harbors twice in stress of weather. (From statements of Alvin W. Cobb, master, Wellfleet, Mass.)
37. *Cynosure* (schooner). Booth Bay, Me.; L. Rush, master. Was obliged to return home before securing a full cargo, not being permitted to purchase provisions in Nova Scotia. (From statements of S. Nickerson & Sons, owners, Booth Bay, Me.)
38. *Naiad* (schooner). Lubec, Me.; Walter Kennedy, master. Presented frontier license (heretofore acceptable) on arriving at St. George, N. B., but collector would not recognize same; was compelled to return to East port and clear under register before being allowed to purchase herring, thus losing one trip. (From statements of Walter Kennedy, master, Lubec, Me.)
39. *Louisa A. Grout* (schooner). Provincetown, Mass.; Joseph Hatch, jr., master. Took permit to touch and trade; arrived at St. Peters, Cape Breton, in afternoon of May 19, 1886; entered and cleared according to law; was obliged to take inexperienced men at their own prices to complete fishing crew, to get to sea before the arrival of a seizing officer who had started from Straits of Canso at 5 o'clock same afternoon in search of vessel, having been advised by telegraph of the shipping of men. (From statements of Joseph Hatch, jr., owner and master, Provincetown, Mass.)
40. *Lottie E. Hopkins* (schooner). Vinal Haven, Me.; Emery J. Hopkins, master. Refused permission to buy any article of food in Canadian ports. Obtained shelter in harbors only by entering at custom-house. (From statement of Emery J. Hopkins, owner and master, North Haven, Me.)
41. *Florine F. Nickerson* (schooner). Chatham, Mass.; Nathaniel E. Eldridge, master. Engaged fishermen for vessel at Liverpool, Nova Scotia, but action of Canadian Government necessitated the paying of their transportation to the United States and loss of time to vessel while awaiting their arrival; otherwise would have called for them on way to fishing grounds. Return-

ing, touched at Liverpool, but immediately on anchoring Canadian officials came aboard and refused permission for men to go ashore. Captain at once signified his intention of immediately proceeding on passage, but officer prevented his departure until he had reported at custom-house, vessel being thereby detained two days. (From statement of Kendrick & Bearse, owners, South Harwich, Mass.)

42. *B. B. B.* (sloop). Eastport, Me.; George W. Copp, master. Obligated to discontinue business of buying sardine herring in New Brunswick ports for Eastport canneries, as local customs regulations were, during the season of 1886, made so exacting that it was impossible to comply with them without risk of the fish becoming stale and spoiled by detention. (From statements of George W. Copp, master, Eastport, Me.)
43. *Sir Knight* (schooner). Southport, Me.; Mark Rand, master. Compelled to pay transportation for crew from Nova Scotia to Maine, the vessel not being allowed to call at Nova Scotia ports for them on her way to the fishing grounds. (From statements of William T. Maddocks, owner, Southport, Me.)
44. *Uncle Joe* (schooner). Southport, Me.; J. W. Pierce, master. Compelled to pay transportation for crew from Nova Scotia to Maine, the vessel not being allowed to call at Nova Scotia ports for them on her way to the fishing grounds. (From statements of William T. Maddocks, owner, Southport, Me.)
45. *Willie G.* (schooner). Southport, Me.; Albert F. Orne, master. Compelled to pay transportation for crew from Nova Scotia to Maine, the vessel not being allowed to call at Nova Scotia ports for them on her way to the fishing grounds. (From statements of William T. Maddocks, owner, Southport, Me.)
46. *Lady Elgin* (schooner). Southport, Me.; George W. Pierce, master. Compelled to pay transportation for crew from Nova Scotia to Maine, the vessel not being allowed to call at Nova Scotia ports for them on her way to the fishing grounds. (From statements of William T. Maddocks, owner, Southport, Me.)
47. *John H. Kennedy* (schooner). Portland, Me.; David Dougherty, master. Called at a Nova Scotia port for bait, but left without obtaining same, fearing seizure and fine; returning home with a broken voyage. At a Newfoundland port was charged \$16 light-house dues, giving draft on owners for same, which, being excessive, they refused to pay. (From statements of E. G. Willard, owner, Portland, Me.)
48. *Ripley Ropes* (schooner). Southport, Me.; C. E. Hare, master. Vessel ready to sail when telegram from authorities at Ottawa refused permission to touch at Canadian ports to ship men; consequently obliged to pay for their transportation to Maine, and vessel detained while awaiting their arrival. (From statements of Freeman Orne & Son, owners, Southport, Me.)
49. *Jennie Armstrong* (schooner). Southport, Me.; A. O. Webber, master. Vessel ready to sail when telegram from authorities at Ottawa refused permission to touch at Canadian ports to ship men; consequently obliged to pay for their transportation to Maine, and vessel detained while awaiting their arrival. (From statements of Freeman Orne & Son, owners, Southport, Me.)
50. *Vanguard* (schooner). Southport, Me.; C. C. Dyer, master. Vessel ready to sail when telegram from authorities refused permission to touch at Canadian ports to ship men; consequently obliged to pay for their transportation to Maine, and vessel detained while awaiting their arrival. (From statements of Freeman Orne & Son, owners, Southport, Me.)
51. *Electric Flash* (schooner). North Haven, Me.; Aaron Smith, master. Unable to obtain supplies in Canadian ports and obliged to return home before obtaining full cargo. (From statements of Aaron Smith, master and agent, North Haven, Me.)
52. *Daniel Simmons* (schooner). Swans Island, Me.; John A. Gott, master. Compelled to go without necessary outfit while fishing in the Gulf of St. Lawrence. (From statements of M. Stimpson, owner, Swans Island, Me.)
53. *Grover Cleveland* (schooner). Boston, Mass.; George Lakeman, master. Compelled to return home with only partial fare of mackerel, being refused supplies in Canadian ports. (From statements of B. F. De Butts, owner, Boston, Mass.)
54. *Andrew Burnham* (schooner). Boston, Mass.; Nathan F. Blake, master. Not allowed to buy provisions or to land and ship fish to Boston, thereby losing valuable time for fishing. (From statements of B. F. De Butts, owner, Boston, Mass.)

55. *Harry G. French* (schooner). Gloucester, Mass.; John Chisholm, master. Refused permission to purchase any provisions or to land cargo for shipment to the United States. (From statements of John Chisholm, owner and master, Gloucester, Mass.)
56. *Col. J. H. French* (schooner). Gloucester, Mass.; William Harris, master. Was refused permission to purchase any supplies or to forward fish to the home port by steamer, causing much loss of time and money. (From statements of John Chisholm, owner, Gloucester, Mass.)
57. *W. H. Wellington* (schooner). Gloucester, Mass.; D. S. Nickerson, master. Was refused permission to purchase any supplies or to forward fish to the home port by steamer, causing much loss of time and money. (From statements of John Chisholm, owner, Gloucester, Mass.)
58. *Ralph Hodgdon* (schooner). Gloucester, Mass.; Thomas F. Hodgdon, master. Was refused permission to purchase any supplies or to forward fish to the home port by steamer, causing much loss of time and money. (From statements of John Chisholm, owner, Gloucester, Mass.)
59. *Hattie Evelyn* (schooner). Gloucester, Mass.; James A. Cronwell, master. Not allowed to buy any provisions in any provincial ports, and thereby compelled to return home during the fishing season, causing broken voyage and great loss. (From statements of James A. Cronwell, owner and master, Gloucester, Mass.)
60. *Emma W. Brown* (schooner). Gloucester, Mass.; John McFarland, master. Was forbidden buying any provisions at provincial ports, and thereby lost three weeks' time and was compelled to return home with only part of cargo. (From statements of John McFarland, master, Gloucester, Mass.)
61. *Mary H. Thomas* (schooner). Gloucester, Mass.; Henry B. Thomas, master. Prohibited from buying provisions, and in consequence had to return home before close of fishing season. (From statements of Henry B. Thomas, owner and master, Gloucester, Mass.)
62. *Hattie B. West* (schooner). Gloucester, Mass.; C. H. Jackman, master. Prevented from buying provisions to enable vessel to continue fishing. Two of crew deserted in a Canadian port, and captain went ashore to report at custom-house and to secure return of men. Was delayed by customs officer not being at his post, and ordered to seal by first officer of cutter *Hawlett* before having an opportunity of reporting at custom house or of finishing business. Had to return and report on same day or be subject to fine. Prevented from shipping men at same place. At Port Hawkesbury, Nova Scotia, while on homeward passage, not allowed to take on board crew of seized American fishing schooner *Joro Castle*, who desired to return home. (From statements of C. H. Jackman, master, Gloucester, Mass.)
63. *Ethel Maud* (schooner). Gloucester, Mass.; George H. Martin, master. Provided with a United States permit to touch and trade, entered Tignish, Prince Edward Island, to purchase salt and barrels. Was prohibited from buying anything. Collector was offered permit, but declared it to be worthless, and would not examine it. Vessel obliged to return home for articles mentioned. On second trip was not permitted to get any food. (From statements of George H. Martin, owner and master, East Gloucester, Mass.)
64. *John W. Bray* (schooner). Gloucester, Mass.; George McLean, master. "On account of extreme prohibitory measures of the Canadian Government in refusing shelter, supplies, and other conveniences, was obliged to abandon her voyage and come home without fish." (From statements of John F. Wonson & Co., owners, Gloucester, Mass.)
65. *Henry W. Longfellow* (schooner). Gloucester, Mass.; W. W. King, master. Obligated to leave the Gulf of St. Lawrence with only 62 barrels of mackerel on account of restrictions imposed by Canadian government in preventing captain from procuring necessary supplies to continue fishing. (From statements of John F. Wonson & Co., owners, Gloucester, Mass.)
66. *Rushlight* (schooner). Gloucester, Mass.; James L. Kenney, master. Compelled to leave Gulf of St. Lawrence with only 90 barrels of mackerel because of restrictions imposed by Canadian Government in prohibiting captain from purchasing supplies needed to continue fishing. (From statements of John F. Wonson & Co., owners, Gloucester, Mass.)
67. *Belle Franklin* (schooner). Gloucester, Mass.; Henry D. Kendrick, master. Obligated to leave Gulf of St. Lawrence with 156 barrels of mackerel on account of restrictions imposed by Canadian government in denying to captain the right to procure necessary supplies to continue fishing. (From statements of John F. Wonson & Co., owners, Gloucester, Mass.)
68. *Nepomset* (schooner). Boston, Mass.; E. S. Frye, master. August 27, 1886, anchored in Port Hawkesbury, C. B., and immediately reported at custom-

house. Being short of provisions, master asked collector for permission to buy, but was twice refused. The master expressing his intention of seeing the United States consul at Port Hastings, C. B., 3 miles distant, the customs officer forbade him landing at that port to see the consul. He did so, however, saw the consul, but could get no aid, the consul stating that if provisions were furnished the vessel would be seized. Master being sick and wishing to return home by rail, at the suggestion of the consul he landed secretly and traveled through the woods to the station, 3 miles distant. (From statements of E. S. Frye, owner and master, Boston, Mass.)

In 1886, 700 vessels were boarded, and 1,362 in 1887, to investigate their conduct, of which 30 were brought to the attention of the British Government.

These lists comprise in all nearly 400 vessels that have been involved in seizures and other interferences growing out of disputed constructions of the treaty of 1818.

That so many cases have arisen out of this conflict of opinion is, in part, fairly attributable to an aggressive temper on the part of the Canadians, which has not been successfully restrained by the Government of Great Britain, and to an obstinate adherence to the letter of the treaty, to the sacrifice of its spirit and to the prejudice of the "liberties" and "privileges" secured by its terms to American fishermen, as our Government understands the matter.

The treaty had reference to extensive lines of seacoast upon which the bays, harbors, and creeks were as well known by name and location in 1818 as they are now, but they were not exactly described in that instrument.

It can not be assumed, at least in our diplomacy, that it is irrational or uncandid for the British Government to contend that the entrance of these places, so well known, was intended to designate a base line from which to measure the 3-mile limit, within which we forever renounced the right to take or cure or dry fish.

Our construction has been that we did not renounce these "liberties" in the bays, harbors, and creeks, except within 3 miles of the coasts thereof; while the British contention has been that the word "coasts" in the treaty relates only to the open seacoasts, and not to the coasts of bays, harbors, and creeks that are claimed and controlled by the provincial governments as territorial waters.

The British contention is also fortified by the argument, as they insist, that in the proviso to article 1 of the treaty our right to enter for shelter, wood, water, and repairs is limited to "bays or harbors," and does not extend to "creeks" or to "coasts," and that these were not open to our right of entry, because of the difficulty of enforcing the "restrictions" upon the use of these privileges, to which we gave our consent in the treaty, on the coasts and creeks at places remote from their ports.

It has been the duty of our diplomatists, forced upon them by the importance of our interests, to endeavor to overcome those contentions of the British Government, and to insist upon a more liberal construction of the treaty.

The task has not been an easy one, and the progress we have made is scarcely discernible; for no admitted change in British opinion seems to have been accomplished in respect of the exclusion, from our treaty rights of fishery, of the creeks, bays, and harbors whose names, limits, and location were known and were recognized by their laws as territorial waters in 1818, except in reference to the Bay of Fundy.

In 1854 and in 1871 we submerged these questions beneath others of great importance, and paid heavily, in reciprocal tariff arrangements in

one case and in money in the other instance, for the security and protection of our fishermen against the British headland theory, as they claimed it, in territorial waters and for the right of inshore fishing.

On the other branch of the subject, relating to the promulgation and enforcement of "such restrictions as may be necessary to prevent * * * abusing the privileges * * * reserved to" American fishermen, the cases have been more numerous, the discussions more heated, the interferences with our fishermen and their vessels, and with other vessels, more annoying and damaging than those that have arisen under the headland theory.

In most of these cases the provincial courts, or the privy council of the local government, have made decisions or statements expounding their laws, both provincial and imperial, and insisting upon their right and jurisdiction, under the treaty, to do all that has been done by them to our fishermen, except in the affair of Fortune Bay.

What is sometimes termed the reciprocity of 1830, by which the interdiction on commercial intercourse between the North American British provinces and the United States was relieved and commercial intercourse was established on a liberal footing, gave to our merchant ships extensive privileges that the treaty of 1818, under the British construction, denied to our fishing vessels.

This so-called reciprocity was not established by positive law in either country; but under the proclamation of President Jackson, authorized by law, and under the orders of the privy council of Great Britain the liberties of commerce were mutually accorded to the merchant ships of each country in the ports of the other. We will hereafter refer more particularly to that arrangement.

Many of our fishing vessels being licensed under our laws to touch and trade in foreign ports, our Government has since claimed for them in Canadian ports the hospitality accorded to our other merchant vessels and all the liberties that they enjoy.

This reasonable claim was based upon the new conditions of our commercial intercourse with Canada as established by "the reciprocity of 1830."

It was met with the declaration that American fishermen and their vessels had only the rights in Canadian waters and ports that are expressly reserved to them under the treaty of 1818, and that all other rights are denied to them by that treaty, and the further insistence that the United States can confer no other rights upon them in those waters than such as the treaty gives them in their character as fishermen.

This question has led to serious disagreement and has been unavoidably mixed up with the question of the proper construction of the treaty of 1818.

This blending of these subjects has resulted in part from the enlarged privileges secured to our fishermen in the treaties of 1854 and 1871, and from the British laws and regulations, under which no express distinction is made between fishing vessels and purely commercial vessels as to entrance and clearance, port and harbor dues, pilotage and tonnage dues, the right to demand manifests and to inspect cargoes.

They employ their regulations, prescribed for commercial vessels, to prevent fishing vessels from having shelter for more than twenty-four hours in a bay or harbor, or from obtaining water or wood, or making repairs, unless they have been duly entered in the custom-

house and have conformed to all the regulations that apply to merchant vessels.

The denial of every commercial privilege to our fishermen, even to the supply of wants that humanity demands, while imposing upon them every "restriction" that merchant vessels were required to endure, naturally excited the indignation of our people.

The contrast between the treatment, in these respects, of merchant vessels of all nations (including those of the United States) and our fishing vessels was painful and unjust, as it was unnecessary, and placed the men engaged in an honorable and highly useful pursuit under the ban of unjust and unfriendly discrimination, and branded them as persons against whom there was a general and recognized suspicion of bad character or of unworthy designs.

During the interval between 1818 and 1830 the treaty of 1818 furnished the only rule, equitable or legal, for the admeasurement of the rights of our fishermen.

Since 1830, except when the treaties of 1854 and 1871 were in force, the British Government, instead of relaxing the "restrictions" upon our fishermen, has increased them, and has been very alert in confining them to the strict letter of the treaty of 1818, whenever that has operated, as to their fishing and other liberties and privileges.

II.

WHETHER IT IS OUR WISEST AND SAFEST POLICY TO RESORT TO THE LAWS OF NATIONS, ENFORCED BY ALL MEASURES THAT MAY BE NECESSARY, OR TO TREATY ARRANGEMENTS, FOR THE REGULATION, GENERALLY, OF OUR FISHING RIGHTS?

It is quite clear that until we are free from the obligations of the treaty of 1818 they are a part of our supreme law, which no department of our own Government can violate without violating our Constitution.

As the treaty is perpetual in the renunciation of our right of common fishery, partitioned to us as an appanage of the country whose independence we established, we can not, by any means short of a successful war, reinstate the United States, by our own act, in the enjoyment of the right that was so renounced.

We can free ourselves of any embarrassment arising out of the treaty of 1818, as to our fishermen, licensed to touch and trade, by repealing it, but nobody seems to desire such a course of action or to court the situation in which it would place both countries.

The struggle in such an event would be at once renewed under retaliatory laws (if this treaty is rejected); but every movement in such a policy would be very costly to the people of both countries, and, as a probable result, would eventuate in war.

So, we must live under the treaty and be constantly embroiled with the British Government as to its proper interpretation; or we must reform that interpretation by a fair and just agreement with that Government; or we must repeal or abandon it, and then rely upon retaliation to redress our wrongs.

The demand of our fishermen for an enlargement of their commercial privileges to correspond with those of our merchant vessels, and for a more liberal hospitality in their bays, is the pith and essence of our demand for a more liberal interpretation of the treaty of 1818.

This demand has to a great degree grown out of the changed conditions, both of fishing ventures and commercial intercourse, with the British provinces since 1830.

It was not considered in 1818, but it can not be denied consideration now, in view of these changed conditions.

It is insisted by some that the treaty of 1818 gives no commercial rights to our fishing vessels; that it relates only to fishing rights and to some incidental privileges of hospitality accorded to our fishermen; that there is no need to amend the treaty so as to secure them commercial rights, and that these should be secured, and would be, through our legislative powers of retaliation upon the commerce of the British possessions.

If we infuse into that treaty the substance of this demand it must be done by an agreement, in the nature of an amendment, that furnishes some reciprocal concession to the people of the British possessions concerned in the fisheries; otherwise we will fail to gain their consent to it.

If we stand upon that treaty without amendment, as a fishing treaty, insisting that it has nothing to do with the commercial privileges of our fishing vessels and that it leaves us free to demand for them the same commercial privileges that we accord to Canadian fishermen, we place this demand alone upon the ground of international comity which is in no sense a substantial right and is outside of all treaty agreements.

We would then have the treaty prohibition against our fishing vessels entering Canadian bays and harbors for "any other purpose whatever" than to buy wood, obtain water, make repairs, and find shelter, while their commercial privileges would entitle them to enter the ports of these bays and harbors for any lawful commercial purpose; and this would result from our act in giving them, under our laws, the double character of fishermen and merchantmen.

The British Government treats this proposition as a mere attempt to evade the treaty of 1818, and, in that view, they insist upon its rigid enforcement. They quote the restrictions of the treaty of 1818 as being obligatory upon the United States, and insist that we can not change the character of a vessel from a fisherman to a merchantman by giving to such vessel any form of license, enrollment, registry, or sea papers in addition to such as place it in the class of a fishing vessel.

However illiberal such a contention may be they certainly claim the right, under the treaty and outside of it as well, to deny all entrance of our fishing vessels to their bays and harbors except in their character as fishermen. As vessels of commerce the British Government claims that they enter the ports by comity alone. As fishing vessels they admit that they enter the bays and harbors by right under the treaty, but only for the purposes to which the treaty of 1818 restricts them.

We do not intend to lay down what we may believe to be the limits of jurisdiction over adjacent seas that are said to be secured to the Governments owning the coasts by the laws of nations. Chancellor Kent, Mr. Jefferson, Mr. Madison, and Mr. Seward, and many other great lawyers and statesmen of our country, have advocated theories on this subject quite at variance with the 3-mile boundary of our right of jurisdiction seaward from the coast. This question needs to be handled with great circumspection. This is a very important matter.

A vast extent of the coast of the Pacific, reaching to the arctic circle and destined to become a more important fishing ground than the Atlantic coasts, must be affected by the principles of interna-

tional law which the United States shall assert as defining the limits seaward from the coasts of our exclusive right to fish for seals and sea otters, whales, and the many varieties of food fishes that swarm along the coasts of Bering Sea and Straits. We might find in that quarter a very inconvenient application of the doctrine that, by the law of nations, the 3-mile limit of the exclusive right of fishery is to follow and be measured from the sinuosities of the coasts of the bays, creeks, and harbors that exceed 6 miles in width at the entrance, and an equally inconvenient application of our claim for full commercial privileges in Canadian ports for our fishermen, when applied to British Columbian fishermen in our Pacific ports, which are nearer to them than to our fisheries in Alaska.

No allusion is made in the treaty of 1818 to the laws of nations as furnishing canons for its interpretation, and we infer that its meaning is to be gathered alone from its context and the circumstances that attended its adoption.

The undersigned believe that the interpretation of that treaty which has led to its re-formation in the treaty now before the Senate, is far in advance of anything that any American diplomat has officially demanded of the British Government, and will lead to a full and amicable adjustment of all troubles of the sort that have heretofore arisen, and that it will open the way for a liberal and neighborly agreement as to such differences as may hereafter arise, both on the Atlantic and Pacific coasts.

In this interpretation and re-formation of our existing treaty the United States make no committals as to the exclusive rights of fishing under the laws of nations that may affect our interests in the Pacific and the Gulf of Mexico in the future; nor do they place the delimitations of the fishing grounds, or the alleged commercial rights of our fishermen, upon any principle of the international law that may be quoted against us at Victoria (within a very short distance of our northern border), or along the extensive seacoast between Puget Sound and Alaska, our great Pacific fishery.

The undersigned prefer the certainty which this treaty has secured as to our specific rights in the fisheries of the Atlantic coasts of North America to the uncertainty of the international law as to all those questions, which will leave in bitter dispute our rights and liberties both on the Atlantic and Pacific coasts, bays, harbors, and creeks, and in Bering Sea and Straits.

The undersigned believe that the treaty now under consideration affords a better foundation for both our fishing and commercial rights than any that can be stated as resting alone upon international law or upon comity secured by retaliatory laws and maintained by the fluctuating interests of commerce, that are very unstable.

Those who assert that it is not the duty, and is scarcely the right, of the President to resort to negotiations, in preference to the retaliation provided for in existing laws, in order to secure commercial rights to fishermen in Canadian ports, are not willing that their privileges shall be enlarged and converted into rights secured by treaty. They prefer the chances of greater success through legislation that will intimidate the British Government or greatly embarrass British commerce. This seems to indicate that they rely for success more upon British cupidity and the fear that Government has of the consequences of war than upon its sense of justice or its good faith in keeping treaty obligations.

Whether or not this may be true, it is very obvious, as the undersigned believe, that the advantages we are supposed to enjoy under such circumstances would be quite as available for the increase of our commercial privileges by retaliatory laws after this treaty is ratified as they are at present. Our good faith is no more pledged in this treaty than it is in the treaty of 1818.

This treaty does not bind us to advance no claim hereafter to increased commercial privileges in favor of our fishermen. The spirit in which it is framed is one of conformity, in our treaty relations, to the progressive interests and necessities of the country, so that a further increase of commercial privileges would naturally result from the policy of both countries, as is shown by the fact of the negotiation of this treaty, when such increase should appear to be, as it will be, mutually advantageous.

III.

AN IMPORTANT PRECEDENT FOR THIS TREATY IN THE ARRANGEMENT OFFERED BY MR. SEWARD IN 1866 TO THE BRITISH GOVERNMENT.

There is a very important precedent for the plan of this treaty and for some of its leading features in the protocol proposed in 1866 by Mr. Seward, then Secretary of State, through Mr. Adams, our minister to Great Britain. The letter of Mr. Seward and the protocol are as follows:

Mr. Seward to Mr. Adams.

No. 1737.]

DEPARTMENT OF STATE,
Washington, April 10, 1866.

SIR: I send you a copy of a very suggestive letter from Mr. Richard D. Cutts, who, perhaps you are aware, was employed as surveyor for marking, on the part of the United States, the fishery limits under the reciprocity treaty. Mr. Cutts's long familiarity with that subject practically and theoretically entitles his suggestions to respect.

It is desirable to avoid any collision or misunderstanding with great Britain on the subject growing out of the termination of the reciprocity treaty. With this view I inclose a draft of a protocol, which you may propose to Lord Clarendon for a temporary regulation of the matter. If he should agree to it, it may be signed. When signed, it is desirable that the instructions referred to in the concluding paragraph should at once be dispatched by the British Government.

As the fishing season is at hand, the collisions which might be apprehended may occur when that season advances.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

Draught protocol communicated by Mr. Adams to the Earl of Clarendon in 1866.

Whereas in the first article of the convention between the United States and Great Britain, concluded and signed in London on the 26th October, 1818, it was declared that—

"The United States hereby renounce, forever, any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America, not included within certain limits heretofore mentioned."

And whereas differences have arisen in regard to the extent of the above-mentioned renunciation, the Government of the United States and Her Majesty the Queen of Great Britain, being equally desirous of avoiding further misunderstanding, have agreed to appoint, and do hereby authorize the appointment of, a mixed commission for the following purposes, namely:

(1) To agree upon and define, by a series of lines, the limits which shall separate the exclusive from the common right of fishery, on the coasts and in the seas adja-

cent. of the British North American colonies, in conformity with the first article of the convention of 1818, the said lines to be regularly numbered, duly described, and also clearly marked on charts prepared in duplicate for the purpose.

(2) To agree upon and establish such regulations as may be necessary and proper to secure to the fishermen of the United States the privilege of entering bays and harbors for the purpose of shelter and of repairing damages therein, of purchasing wood and of obtaining water, and to agree upon and establish such restrictions as may be necessary to prevent the abuse of the privilege reserved by said convention to fishermen of the United States.

(3) To agree upon and recommend the penalties to be adjudged and such proceedings and jurisdiction as may be necessary to secure a speedy trial and judgment, with as little expense as possible, for the violation of the rights and the transgression of the limits and restrictions which may be hereby adopted.

Provided, however, that the limits, restrictions, and regulations which may be agreed upon by the said commission shall not be final nor have any effect until so jointly confirmed and declared by the United States and Her Majesty the Queen of Great Britain, either by treaty or by laws mutually acknowledged and accepted by the President of the United States, by and with the consent of the Senate, and by Her Majesty the Queen of Great Britain.

Pending a different arrangement on the subject, the United States Government engages to give all proper orders to officers in its employment, and Her Britannic Majesty's Government engages to instruct the proper colonial or other British officers, to abstain from hostile acts against British and United States fishermen, respectively.

This protocol was offered by Mr. Seward as a *modus vivendi* after the termination of the treaty of 1854 had thrown us back upon that of 1818 as to our fishery rights. He offered it, also, for acceptance by Great Britain as the basis of a new treaty of interpretation and regulation of those rights.

Mr. Seward's recommendation of a mixed commission (1) "to agree upon and define by a series of lines" the fishing limits, in conformity with the first article of the convention of 1818; (2) "to agree upon and establish such regulations as may be necessary and proper to secure the fishermen of the United States the privilege of entering bays and harbors" under the proviso of the treaty; and (3) "to agree upon and recommend the penalties to be judged, and such proceedings and jurisdiction as may be necessary to secure a speedy trial," etc., "for violations of rights and transgressions of limits and restrictions," etc., indicates an earnest apprehension on his part that no settlement could be reached by ordinary negotiations, that the treaty could not be amicably kept unless it was amended, and that the amendments he proposed would cure the defects of the indefinite description of the rights and restrictions and fishing limits that were too generally stated in the treaty of 1818.

He saw the increasing danger of the situation and came boldly forward to provide against its results.

The cordial manner in which these three propositions were then received by the British Government as a basis of agreement inspired the efforts of the present administration to renew the negotiation on this plan as the basis of a new treaty.

IV.

MEASURES OF HOSTILITY, EITHER COMMERCIAL OR ACTUAL, ARE NOT
PREFERABLE TO THE TREATY BEFORE THE SENATE.

The undersigned have found no opinion expressed by any of our diplomatists in their official correspondence that the proper interpretation of article 1 of the treaty of 1818 could be otherwise secured than by a further agreement as to its meaning between the treaty powers.

If we demand a still more favorable agreement than that presented in this convention now under consideration, we shall probably encounter many more years of controversy and negotiation before a better result can be reached.

If, laying aside all treaty agreements, we attempt to coerce a better understanding and less grievous practices than we have already suffered through commercial retaliation, we shall find that the cost to our own people is far greater than the entire value of the fisheries.

If we resort to war or to measures that may lead to hostilities, upon what precise definition of our rights and grievances will we justify such grave proceedings, either to our own people or before the nations of the earth? We believe that no man can safely venture to formulate such a declaration.

Unless we can clearly state the causes that justify a war for the redress of grievances, or the clear definition of the right we seek to assert or defend, we have no right to subject the country to the perils or even the apprehensions of hostilities.

It has never been stated by any administration or diplomatist or by Congress that any one case, or that all the cases that have grown out of our disputes with Great Britain about the treaty of 1818 gave a just ground for retaliation, reprisals, or war.

The undersigned think it can not be safely denied that in articles 10, 12, 13, and 14 of this treaty we have gained advantages and privileges of a very important character. In them is found the full concession of every claim to fishing rights we have ever made, as being within the letter or the spirit of the treaty of 1818, that is now of any practical value; and the methods provided for their administration are quite as satisfactory as any we have ever claimed under our interpretation of that treaty. For convenience of reference we insert those articles in this paper, as follows:

ARTICLE X.

United States fishing vessels entering the bays or harbors referred to in Article I of this treaty shall conform to harbor regulations common to them and to fishing vessels of Canada or of Newfoundland.

They need not report, enter, or clear when putting into such bays or harbors for shelter or repairing damages, nor when putting into the same outside the limits of established ports of entry, for the purpose of purchasing wood or of obtaining water; except that any such vessel remaining more than twenty-four hours, exclusive of Sundays and legal holidays, within any such port, or communicating with the shore therein, may be required to report, enter, or clear; and no vessel shall be excused hereby from giving due information to boarding officers.

They shall not be liable in any such bays or harbors for compulsory pilotage; nor, when therein for the purpose of shelter, of repairing damages, of purchasing wood, or of obtaining water, shall they be liable for harbor dues, tonnage dues, buoy dues, light dues, or other similar dues; but this enumeration shall not permit other charges inconsistent with the enjoyment of the liberties reserved or secured by the convention of October 20, 1818.

ARTICLE XI.

United States fishing vessels entering the ports, bays, and harbors of the eastern and northeastern coasts of Canada or of the coasts of Newfoundland under stress of weather or other casualty may unload, reload, tranship or sell, subject to customs laws and regulations, all fish on board, when such unloading, transshipment or sale is made necessary as incidental to repairs, and may replenish outfits, provisions, and supplies damaged or lost by disaster; and in case of death or sickness shall be allowed all needful facilities, including the shipping of crews.

Licenses to purchase in established ports of entry of the aforesaid coasts of Canada or of Newfoundland, for the homeward voyage, such provisions and supplies

as are ordinarily sold to trading vessels, *shall be granted to United States fishing vessels in such ports, promptly upon application and without charge*; and such vessels having obtained licenses in the manner aforesaid shall also be accorded upon all occasions such facilities for the purchase of casual or needful provisions and supplies as are ordinarily granted to the trading vessels; but such provisions or supplies shall not be obtained by barter, nor purchased for resale or traffic.

ARTICLE XIII.

The Secretary of the Treasury of the United States shall make regulations providing for the conspicuous exhibition, by every United States fishing vessel, of its official number on each bow; and any such vessel, required by law to have an official number, and failing to comply with such regulations, shall not be entitled to the licenses provided for in this treaty.

Such regulations shall be communicated to Her Majesty's Government previously to their taking effect.

ARTICLE XIV.

The penalties for *unlawfully fishing in the waters, bays, creeks, and harbors, referred to in Article I of this treaty, may extend to forfeiture of the boat or vessel, and appurtenances, and also of the supplies and cargo aboard when the offense was committed; and for preparing in such waters to unlawfully fish therein, penalties shall be fixed by the court, not to exceed those for unlawfully fishing; and for any other violation of the laws of Great Britain, Canada, or Newfoundland relating to the right of fishery in such waters, bays, creeks, or harbors, penalties shall be fixed by the court, not exceeding in all three dollars for every ton of the boat or vessel concerned. The boat or vessel may be holden for such penalties and forfeitures.*

The proceedings shall be summary and as inexpensive as practicable. The trial (except on appeal) shall be at the place of detention, unless the judge shall, on request of the defense, order it to be held at some other place *adjudged by him more convenient*. Security for costs shall not be required of the defense, except when bail is offered. Reasonable bail shall be accepted. There shall be proper appeals *available to the defense only; and the evidence at the trial may be used on appeal.*

Judgments of forfeiture shall be reviewed by the Governor-General of Canada in council, or the governor in council of Newfoundland, *before the same are executed.*

We accord (in article 12) to the fishing vessels of Canada and Newfoundland the same privileges on the Atlantic coasts of the United States that are secured to our fishing vessels by this treaty, without admitting them to fish within 3 miles of the coast of the bays, harbors, or creeks along that seacoast.

This treaty secures to our fishermen the free navigation of the Strait of Canso.

Article 15 secures to us the option to acquire very important commercial privileges to our fishermen whenever Congress shall conclude that they are worth the money that we may otherwise collect in duties on fish.

Congress may never make this concession; but the power to acquire these privileges, as permanent treaty rights, may become very valuable to us when the diminishing products of the fisheries in the waters adjacent to the Eastern coast of the United States and of Canada and Newfoundland increase in value, because they will be required to supply the needs of 100,000,000 of people in the United States and 30,000,000 of people in the Dominion of Canada.

This article is suggested by a wise forecast of the future necessities of our fishermen, as well as those of the people of the United States, when our population is greatly increased and the supply of food is to be distributed to such a vast multitude of people that the allowance per capita will be accordingly diminished.

The treaty now before the Senate is one of reciprocal concessions.

The unconditional concessions to the fishermen are not strictly commercial, but they give them great assistance in their business and in the means of relieving any distress which may befall them.

Can we ever hope to ingraft on the treaty of 1818 any new agreement for commercial privileges to our fishermen without giving an equivalent in some liberty or privilege that Great Britain will claim for her fishermen?

This question is answered by the fact that we renounced in 1818 the best part of the fisheries that were of the fruits of the war for independence in order to make the residue a permanent right; and in 1854 and 1871 we agreed to pay heavily for a temporary suspension of the restrictions and limitations of the treaty of 1818.

We have made four fisheries treaties with Great Britain—in 1783, 1818, 1854, and 1871—and in none of them has any commercial privilege been secured to our fishermen. No serious effort has been made to secure such privileges prior to the negotiation now before the Senate. All that we have heretofore secured to our fishermen has been the privilege of inshore fishing, of curing and drying fish on certain parts of the British coasts, more or less restricted and changed in each successive treaty, and the right to buy wood, obtain water, make repairs, and find shelter.

Now we find, according to the testimony of everybody concerned and the thoroughly considered report of our Committee on Foreign Relations, made after a searching investigation conducted upon our coasts, and upon the testimony of experts laid before the Senate, that the inshore fisheries, for which we have paid and suffered so much, are of no value to us and that the privilege of purchasing bait from the Canadians is an injury to our fishing interests rather than a benefit.

These declarations, which were true, show that many of the contentions and strifes we have had over this subject for seventy years have been about a claim of rights and privileges that are no longer of any advantage to us.

They prove that we need only such advantages or privileges for our fishermen on the Canadian coasts as are enjoyed by our merchant vessels and that these are not very important to them.

Purse seining has revolutionized the mackerel fishery almost entirely, and has largely affected the herring fishery, and has given to our fishermen great advantages in "the catch." But Canadian capital and energy will not long permit us to do all the purse or deep-water seining.

The freezing of fish on shipboard, so as to get them fresh to our markets, is of recent date, but it is a very important change in the fishing business. In this the Canadians have no greater advantages than our fishermen.

These two improvements in the fishing business, with the added power of steam, which has been applied to sea navigation since 1818, have produced the revolution in these pursuits which renders it more convenient to have commercial rights for some of our fishing vessels, but has removed the necessity to have fishing privileges within 3 miles of any of the coasts or in the bays of the British possessions that are not classed as great arms of the sea.

The history of the controversies that have found a final solution in the treaty now before the Senate and the explanation of the bearing of the treaty upon those questions are so clearly and ably stated by Hon. W. L. Putnam, in a letter dated April 16, 1888, that we append it to this report (Appendix E).

Mr. Putnam being one of our plenipotentiaries who negotiated this treaty, his review of the diplomatic and legislative history is an important exposition of the merits of this subject.

V.

THIS TREATY COMPARED WITH THE COMMERCIAL ARRANGEMENT
STYLED "THE RECIPROCITY OF 1830."

This treaty proposes liberal reciprocity to us, confined to fishing interests, and gives us all the time we may choose to claim in which to consider our best interests and determine whether we will accept or reject the overture.

The right of choosing between this proffered commercial reciprocity and the privileges accorded to us under what is termed "the reciprocity of 1830" is a decided advantage in favor of our fishermen.

The products of our fisheries in Canadian waters are not permitted to enter Canadian ports on any ships of the United States by the British proclamation of November 5, 1830. That proclamation declares "that the ships of and belonging to the said United States of America may import from the United States aforesaid into the British possessions abroad goods the produce of those States, and may export goods from the British possessions abroad to be carried to any foreign country whatever."

This can not apply to fishery products taken or purchased in the Canadian waters or ports, and was not intended in any manner to add to the four purposes for which our fishermen may enter Canadian ports under the treaty of 1818, as we understand that proclamation, or to repeal that treaty.

This proclamation was a month later than that made by President Jackson and was the British response to our proclamation, under which "British vessels and their cargoes are admitted to an entry into the ports of the United States from the islands, provinces, and colonies of Great Britain on or near the North American continent and north or east of the United States." The full text of these proclamations is hereto appended as Appendixes A and B.

These proclamations set forth the entire concurrent action of the two Governments (which is called the reciprocity of 1830). There having been no change in the situation since that time, that is "the reciprocity" which still exists, as matter of law.

The broad liberality of our concession is in very striking contrast with that of Great Britain; but we have lived under this inequality of rights for more than fifty years without a serious protest until within three years, and the complaints we have made arose from the British construction of our fishing rights, and not of our commercial rights, under that reciprocity.

Our fishing vessels are equally barred (under the British contention) by the treaty of 1818 and by the British proclamation of November 5, 1830, from entering their ports with cargoes of fish taken in Canadian waters, without reference to the rights to touch and trade or to any other commercial character that we may give them under our laws. To gain these rights for our fishermen we have a choice of grave alternatives.

But the cost of the naval and military preparation that would be necessary to give confidence to our own people in supporting any extreme demand or stringent measures connected with this subject would be greater than the whole value of these fisheries for the next half century.

VI.

THE PRESIDENT HAS ONLY PERFORMED A PLAIN DUTY, IN THE INTERESTS OF ALL THE PEOPLE OF THE UNITED STATES, AND TO THE SENATE IS LEFT THE RESPONSIBILITY.

The undersigned do not find it necessary to answer in detail the various objections urged in committee by the Senators opposed to the ratification of this treaty, because no amendment was offered to indicate that the treaty could be so improved as to gain the support of any member of the majority of the committee.

The undersigned understand that the dissent from this negotiation is directed to it as an entirety. This dissent is based, in part, upon the opinion of some members of the majority that the President should not have entered upon any negotiation, in view of the resolution adopted by the Senate on the 3d day of February, 1886, and the opinion of Congress as it was expressed in the nonintercourse act approved March 3, 1887. That resolution is as follows:

Resolved, That in the opinion of the Senate the appointment of a commission, in which the Governments of the United States and Great Britain shall be represented, charged with the consideration and settlement of the fishing rights of the two Governments on the coasts of the United States and British North America, ought not to be provided for by Congress.

This resolution related, as we understand it, solely to the question whether such negotiation should be conducted by commissioners, under an act of Congress, or by the President, under his constitutional power to make treaties.

The Senate adhered to its constitutional power to ratify or reject a treaty, and insisted that the President should make any negotiation he might see fit to conduct in such form and under such conditions that the power of the Senate over such subjects should not be interfered with.

The retaliatory act of Congress above mentioned was not intended, and could not have been intended, to instruct the President as to the will of the legislature in a matter over which Congress has no authority—the negotiation, ratification, or promulgation of a treaty.

Congress has the right to declare that in some or all of the hundreds of cases that have occurred in which the treaty of 1818 has been in question it has been violated, and that retaliation, reprisals, or war shall follow such abuses until they are compensated, and they shall cease. Such a declaration as to the violation of the treaty was distinctly made in the report of the Senate Committee on Foreign Relations on the 19th of January, 1887. We quote from that report, as follows:

It will be seen, from the correspondence and papers submitted by the President, in his message on the subject, of the 8th of December last (Ex. Doc. No. 19, Forty-ninth Congress, second session), and from the testimony taken by the committee, that some of these instances of seizure or detention, or of driving vessels away by threats, etc., were in clear violation of the treaty of 1818, and that others were on such slender and technical grounds, either as applied to fishing rights or commercial rights, as make it impossible to believe that they were made with the large and just object of protecting substantial rights against real and substantial invasion, but must have been made either under the stimulus of the cupidity of the seizing officer, sharpened and made safe by the extraordinary legislation to which the committee has referred, whereby the seizing officer, no matter how unjust or illegal his procedure may have been, is made practically secure from the necessity of making substantial redress to the party wronged, or of punishment, or else they must have arisen from a systematic disposition on the part of the Dominion

authorities to vex and harass American fishing and other vessels so as to produce such a state of embarrassment and inconvenience with respect to intercourse with the provinces as to coerce the United States into arrangements of general reciprocity with the Dominion.

But Congress did not follow up this bold declaration of that committee with a demand for redress, or with any provision of law that was based upon the fact that the treaty of 1818 had been violated by Great Britain. It was our commercial rights that Congress undertook to protect.

The committee did not ask the Senate to pass a bill that would commit the country, if it should become a law, to a state of actual hostility toward Great Britain, or even to a firm declaration that Great Britain had violated the treaty of 1818 in the manner and with the motives stated in the foregoing extract from their report.

Congress was either satisfied that no occasion had arisen which would justify decisive measures, such as retaliation, reprisals, or war, in resentment for any actual violation of the treaty, or else it sought to evade its just responsibility to the country by increasing the powers of the President to retaliate on British commerce, and by throwing upon him the responsibility of deciding whether the "recent" conduct of that Government and of the Provinces demanded of the United States that any retaliation should be proclaimed and enforced.

The House of Representatives demanded broader powers for the President than the Senate would agree to, but both Houses hastened to devolve upon him the decision of the whole question of our treaty relations with Great Britain, and gave him the discretion to employ all necessary means to put his decision in force.

This is the law that Congress enacted to meet that aggravated state of affairs, as described in the report of the Senate committee:

AN ACT to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading, and other vessels, in certain cases, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the President of the United States shall be satisfied that American fishing vessels or American fishermen, visiting or being in the waters or at any ports or places of the British dominions of North America, are or then lately have been denied or abridged in the enjoyment of any rights secured to them by treaty or law, or are or then lately have [been] unjustly vexed or harassed in the enjoyment of such rights, or subjected to unreasonable restrictions, regulations, or requirements in respect of such rights; or otherwise unjustly vexed or harassed in said waters, ports, or places; or whenever the President of the United States shall be satisfied that any such fishing vessels or fishermen, having a permit under the laws of the United States to touch and trade at any port or ports, place or places, in the British dominions of North America, are or then lately have been denied the privilege of entering such port or ports, place or places in the same manner and under the same regulations as may exist therein applicable to trading vessels of the most favored nation, or shall be unjustly vexed or harassed in respect thereof, or otherwise be unjustly vexed or harassed therein, or shall be prevented from purchasing such supplies as may there be lawfully sold to trading vessels of the most favored nation; or whenever the President of the United States shall be satisfied that any other vessels of the United States, their masters or crews, so arriving at or being in such British waters or ports or places of the British dominions of North America, are or then lately have been denied any of the privileges therein accorded to the vessels, their masters or crews, of the most favored nation, or unjustly vexed or harassed in respect of the same, or unjustly vexed or harassed therein by the authorities thereof, then, and in either or all of such cases, it shall be lawful, and it shall be the duty of the President of the United States, in his discretion, by proclamation to that effect, to deny vessels, their masters and crews, of the British dominions of North America, any entrance into the waters, ports, or places of or within the United States (with such exceptions in regard to vessels in distress, stress of weather, or needing supplies as to the President shall seem proper), whether such vessels

shall have come directly from said dominions on such destined voyage or by way of some port or place in such destined voyage elsewhere; and also, to deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions, or other goods coming from said dominions to the United States. The President may, in his discretion, apply such proclamation to any part or to all of the foregoing-named subjects, and may revoke, qualify, limit, and renew such proclamation from time to time as he may deem necessary to the full and just execution of the purposes of this act. Every violation of any such proclamation, or any part thereof, is hereby declared illegal, and all vessels and goods so coming or being within the waters, ports, or places of the United States contrary to such proclamation shall be forfeited to the United States; and such forfeiture shall be enforced and proceeded upon in the same manner and with the same effect as in the case of vessels or goods whose importation or coming to or being in the waters or ports of the United States contrary to law may now be enforced and proceeded upon. Every person who shall violate any of the provisions of this act, or such proclamation of the President made in pursuance hereof, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment for a term not exceeding two years, or by both said punishments, in the discretion of the court.

Approved, March 3, 1887.

This law relates to past offenses as well as to those that may hereafter occur. As to past offenses, Congress abdicated its authority to declare that they constituted just grounds for retaliation, and left that matters solely to the discretion of the President or else Congress intended that the President should have these powers to meet a case of emergency, and should also employ his constitutional power of making treaties (which Congress could not control) as a part of "his discretion" in providing a way through which the evils complained of should be remedied.

The undersigned can not impute to Congress that its purpose, in devolving upon the President these broad discretionary powers and conditional duties was to forbid or to embarrass the free exercise by him of his constitutional power to make treaties with the advice and consent of the Senate, or that these extraordinary powers were given him to enable Congress to escape its just responsibility for measures that were necessary for the protection of the honor of the country or the interests of the people.

If the President had resorted to retaliatory measures against Canadian commerce under this act of March 3, 1887, without having attempted any negotiation with Great Britain, the open way that was indicated by Mr. Seward's protocol in 1865, to which we have referred, and the favorable impression it made on the British Government would have been pointed out by an indignant people as an abandoned opportunity for an amicable agreement with Great Britain, and he would have been amenable to just censure.

But, aside from this, his duty to humanity as well as to his country forbade him from exposing the interests and prosperity of 65,000,000 of people to danger by hasty or extreme measures of retaliation while it was possible to reach a just settlement of our disputes with Great Britain over matters that concern only a few thousand people, who would be more benefited by such an agreement than they could be by retaliatory laws.

The President has succeeded in making provision for a settlement of these long-standing disputes on terms that are just and reasonable, as we are satisfied—a much better settlement than has been even attempted heretofore, and one that will increase in the future the liberality of commerce with Canada.

If the Senate shall decline to ratify this treaty there will remain no doubt that it assumes all the responsibility for what may hereafter

result from the proper employment by the President of the retaliatory powers that Congress has conferred upon him.

If the proper use of those powers is considered by Great Britain as a violation of the treaty of 1818, in demanding for our fishermen greater liberties and privileges than that treaty secured to them, and that we are enforcing that demand through commercial duress, the Senate will also take whatever responsibility may belong to that situation.

Congress declined to say in the act of March 3, 1887, that the rights of American fishermen had been denied or abridged, but left it to the President to determine that question. If this treaty is rejected, it is beyond dispute that retaliation is the only means, short of war, by which we can redress our wrongs, if we have suffered any. The Senate, in rejecting this treaty, will affirm that such wrongs exist, which Congress did not so assert, and, because thereof, will force the President to proclaim nonintercourse.

VII.

THE PROTOCOL TO THE TREATY IS AN HONORABLE AND FRIENDLY OVERTURE OF THE BRITISH GOVERNMENT, AND SHOULD BE ALLOWED TO DEVELOP, BY ACTUAL EXPERIENCE, WHETHER THIS TREATY WILL BE BENEFICIAL TO OUR FISHERIES AND COMMERCE.

In view of a possible disagreement between the Senate and President as to the value of this treaty to our fishermen, the undersigned respectfully call the attention of the Senate to the importance of postponing its consideration until the next December session of Congress.

The protocol to the treaty, suggested and offered by the British plenipotentiaries, tenders to our fishermen very liberal commercial privileges in Canadian ports for two years.

This overture is equivalent almost to a guaranty that during this period the British Government, in conjunction with the provincial governments, will prevent the recurrence of the interferences with our fishermen that have given them such serious disquietude. It will also put into practice, substantially, all the provisions of the present treaty, except those relating to the delimitation of fishing boundaries.

A single fishing season under such conditions will demonstrate that this treaty is a failure, or else that it is of great value to the country.

The advantage of such experience is manifest, and we should not rashly trust to our opinions, which must be largely conjectural, when we can fortify them or disprove their soundness by a short delay in our action which does not commit us, in the least degree, either for or against the treaty.

The British Government has exerted a restraining influence during the whole period since 1818 over the provincial governments as to their demands and proceedings under that treaty. That Government has encouraged liberality in the conduct of the fishermen and in commercial interchange between the United States and the provinces, seeing that the prosperity of those countries greatly depended on such a policy.

It has not been an easy task to restrain the people of the provinces to a course of moderation. Political reasons, not always favorable to the Crown, and the jealousies of rival interests in fishing rights held in common by the people of two countries, and even the lingering hatreds engendered by our Revolutionary war, have been active in

promoting discord in these colonies. Great Britain never before had so capital an interest in fostering the loyalty of the Canadians. The Suez Canal is scarcely more important to the interests of that Empire than the Canadian Pacific Railway.

But other interests of the most important character inspire the British Government with an earnest purpose to cultivate the closest friendship with the people of Canada.

It is evidently the true policy of the British Government to satisfy the people of these provinces that the treaty now before the Senate will be of advantage to them, because of the additional liberty of commerce that it extends to our fishermen, and this was doubtless a strong inducement to that Government to offer voluntarily to us the privileges stated in the protocol to the treaty.

We have almost as great an interest in affording to our people the opportunity of a practical test of the advantage of these privileges offered in this protocol.

In matters of such moment we can not justify a rejection of such a proposition, not requiring our formal acceptance to make it available, on the ground that we could not, without dishonor, permit such a course, resulting in such possible advantages to us, even for one fishing season, and then reject the treaty.

We have not in any way invited or suggested this offer of the British Government, and we are not asked to accept it. It proposes, for a time, to liberalize the commercial privileges of our fishermen in the provincial ports for reasons satisfactory to the British Government.

If we should hasten our action on this treaty with the purpose of preventing an effort of that Government to satisfy Her Majesty's subjects that a liberal policy toward us is the best, or even of convincing our people by experience that such a policy is also best for us, we would incur greater discredit by such action than could possibly attend our rejection of the treaty, after a fair trial of the British expedient presented in this protocol had satisfied our people that the treaty should not be ratified.

VIII.

THE HEADLAND THEORY, AS APPLICABLE TO THE BAYS, HARBORS, AND CREEKS THAT ARE CLAIMED AS TERRITORIAL WATERS, HAS NOT BEEN ABANDONED BY THE BRITISH GOVERNMENT, EXCEPT IN THIS TREATY. IT WAS A VITAL QUESTION WHEN THIS NEGOTIATION WAS ENTERED UPON.

It is insisted by some that Great Britain had abandoned the headland theory, and that it was obsolete when this treaty was made.

The undersigned do not understand that the British headland theory, as applied to the bays, harbors, and creeks that had geographical names and limits, and were included by British or provincial laws within the local jurisdictions in 1818, has been abandoned by Great Britain. Outside of a limit of 3 miles from the headlands of such indentations of the seacoast it was abandoned as early as 1815, in the case of the American fishing vessels that were warned off the coast by the British man-of-war *Josseur*.

Our claims could not be fairly predicated, diplomatically, on such an admission by Great Britain as to the base line from which the 3-mile limit is to be measured.

That being still an open question, the claims of either side were a necessary feature in the negotiation of this treaty.

If our contention was indisputably just, a peremptory demand for its allowance was the only course we could adopt. Such a demand, we believe, has never been formally made by this Government. Congress certainly has never affirmed the indisputable justice of our claim. The United States have preferred to let this question, with all the others that have arisen under the treaty of 1818, continue in reach of discussion and negotiation.

In that situation the present Administration found this controversy.

Mr. Bayard proposed to the British Government that the 3-mile fishing limit should be measured, in the bays that were 10 miles or less in width, from that point nearest the entrance where the shores are 10 miles distant from each other. He found his support for that offer in the arrangement between Great Britain and other European nations for fishing in the bays and harbors of their respective coasts along the North Atlantic and the northern seas.

It being generally conceded that the limit of local jurisdiction extended 3 miles from the coast out into the sea, and that this distance was adopted because it measured the range of artillery in ancient times, it is obvious that when the range of artillery is extended to 5 miles it is due to the security of bays and harbors reaching far inland that treaty arrangements fixing a new measurement should have some reference to the increased limits for the protection of the people residing along such shores corresponding with the improved range of artillery.

This offer made no allusion to any headland theory that the British Government had ever asserted; still it was directly opposed to assertions of that theory which Great Britain had often made, and called forth the following "observation from the Marquis of Salisbury upon the proffer made by Mr. Bayard:"

A reference to the action of the United States Government, and to the admission made by their statesmen in regard [to] bays on the American coasts, strengthens this view; and the case of the English ship *Grange* shows that the Government of the United States, in 1793, claimed Delaware Bay as being within territorial waters.

Mr. Bayard contends that the rule which he asks to have set up was adopted by the umpire of the commission, appointed under the convention of 1858, in the case of the United States fishing schooner *Washington*; that it was by him applied to the Bay of Fundy, and that it is for this reason applicable to other Canadian bays.

It is submitted, however, that as one of the headlands of the Bay of Fundy is in the territory of the United States, any rules of international law applicable to that bay are not therefore equally applicable to other bays the headlands of which are both within the territory of the same power.

This provision would involve a surrender of fishing rights which have always been regarded as the exclusive property of Canada, and would make common fishing grounds of the territorial waters which, by the law of nations, have been invariably regarded both in Great Britain and the United States as belonging to the adjacent country. In the case, for instance, of the Baie des Chaleurs, a peculiarly well-marked and almost landlocked indentation of the Canadian coast, the 10-mile limit would be drawn from points in the heart of Canadian territory, and almost 70 miles from the natural entrance or mouth of the bay. This would be done in spite of the fact that, both by imperial legislation and by judicial interpretation, this bay has been declared to form a part of the territory of Canada. (See Imperial Statute, 14 and 15 Vict., cap. 63; and *Mouatt v. McPhee*, 5 Sup. Court of Canada Reports, p. 66.)

From this statement of the British contention it appears that the headland theory was still adhered to by that Government in March,

1887, but it was admitted that it had been relaxed as to the Bay of Fundy for special reasons.

Mr. Bayard's reply to the "observations" of the Marquis of Salisbury, which is set forth on pages 56 to 60, inclusive, of Senate Ex. Doc. No. 113, first session of Fiftieth Congress, refutes the force of those "observations" by citing precedents furnished by the conduct of the British Government in this matter, and the decision of the umpire in the cases of the *Washington* and the *Argus*, in which he wholly discarded the headland theory and made an award in favor of the owner.

But these counter statements only served to show that the headland theory, in its application to bays within the jurisdictional limits, was still in controversy between the two Governments, and that there was little disposition on the part of the British Government to yield, as there was on our part to admit, the justice of that construction of the treaty of 1818.

These contentions made it necessary that a better understanding should be reached, and if the two Governments could not accomplish this by negotiation, it was certain that increasing strife and broils between their people would seriously endanger the commerce of each, and would expose both countries to the peril of being driven into hostilities by the designs of vicious men or through the angry contentions of well-meaning persons.

IX.

THE CLOSE RELATIONS BETWEEN THE PEOPLE OF CANADA AND THE UNITED STATES IN THE USE OF THE COMMON RIGHT OF FISHERY MAKE IT IMPERATIVE TO REGULATE THEIR ASSOCIATION BY FRIENDLY AGREEMENT RATHER THAN BY RETALIATORY LAWS.

Mutual and amicable agreement between the two Governments, clearly understood and faithfully executed, is the only way in which the people of Newfoundland and Canada and of the United States can ever peacefully enjoy, in common, the valuable rights of fishery.

Reciprocity in some form is an element in every treaty made for the settlement of questions that are sincerely in dispute between independent powers. In all of our treaties with Great Britain relating to the extraterritorial rights, liberties, or privileges of each in the other's country or jurisdiction reciprocity has been conspicuously stated as a leading motive and purpose. The provisional treaty of peace of November 30, 1782, sets out with this declaration:

Whereas reciprocal advantages and mutual convenience are found by experience to form the only permanent foundation of peace and friendship between States, it is agreed to form the articles of the proposed treaty on such principles of liberal equity and reciprocity as that, partial advantages (those seeds of discord) being excluded, such a beneficial and satisfactory intercourse between the two countries may be established as to promise and secure to both perpetual peace and harmony.

This declaration was repeated, in substance, in the definitive treaty of peace of September 3, 1783.

In both these treaties the right of fishery was defined as between the people of both countries, the United States expressly yielding some of the liberties they had enjoyed in common with the colonies that remained subject to the British Crown on the coasts of Newfoundland as to curing and drying fish on that island.

The treaty of October 20, 1818, was made "to cement the good understanding which happily exists between" the two Governments.

In that treaty we renounced our right of fishery on certain coasts, etc., but regained the right to cure and dry fish on a part of the southern coasts of Newfoundland.

Under that treaty, which was reciprocal, misunderstanding arose as to its meaning, and the reciprocity treaty of 1854 was made, in part, "to avoid further misunderstanding between their respective citizens and subjects in regard to the extent of the right of fishing on the coasts of British North America secured by Article I of the convention" of 1818, and "to regulate the commerce and navigation between their respective territories and people."

The extensive reciprocity of this treaty continued for twelve years.

At its termination by the United States the "misunderstandings" under the treaty of 1818 again arose, when that convention became then, as it is now, the measure of our treaty rights.

The treaty of 1871 was made so as "to provide for an amicable settlement of causes of difference between the two countries," and arbitration and reciprocity pervaded every one of its forty-three articles.

In all the wide range of our treaty engagements with the treaty powers of the world there is scarcely one that does not contain some mutual advantage or reciprocal concession, and they cover every subject that has been suggested, in the experience of mankind, as being fit or convenient to be settled by international agreement rather than to be left under the control or security that might be afforded by the laws enacted by the respective countries, which they could alter or repeal at pleasure.

Now, we are again remitted to the field of "misunderstanding," "in regard to the extent of the right of fishing on the coasts of British North America," with an increased number of cases of seizures and interferences with our fishermen growing out of those disputes, and the question is, whether we shall abandon all efforts to remove these misunderstandings by further agreements, or shall we treat every claim we make as a *sine qua non*, and its refusal an ultimatum, and resort, as the first expedient, to retaliatory legislation to enforce it? That failing, shall we stop and abandon the claim, or prepare for its support by coercive measures?

Retaliation may secure just dealing between nations whose interests are entirely distinct and separate; but that is not our situation toward the people of the government of Canada or Newfoundland.

X.

THE CHARACTER AND VALUE OF THE FISHERIES ON THE COAST OF LABRADOR AND THE BANKS OF NEWFOUNDLAND, AND THE INCREASING DEMAND FOR FOOD-FISHES TO SUPPLY THE WANTS OF THE PEOPLE.

The inshore fishing along the coasts of Labrador are the best we have in the Gulf of St. Lawrence, while that along the southern and western shores of Newfoundland is far better than any along the coasts of Nova Scotia or New Brunswick.

Our plenipotentiaries who negotiated the treaty of 1818 mention these facts to show that we lost nothing of value when we gave up the inshore fisheries of Nova Scotia, and gained much advantage by having access to the shores of Labrador, as will hereafter appear in this report.

Mr. Sabine, in his report to the Secretary of the Treasury in 1852, gives a very interesting account of the fisheries on the northeastern coast, from which we make the following extracts, found in Senate Ex. Doc. 22, second session, Thirty-second Congress:

An account of the fishing grounds has been reserved for the conclusion. Of those near our cities, and visited for the purpose of supplying our markets with fish to be consumed fresh, it is unnecessary to speak. Those within the limits of British America, and secured to us by treaty, as well as those on the eastern coasts of Maine, are less generally known and may properly claim attention. Of the distant Newfoundland is the oldest. That vessels from Boston fished there as early as the year 1645 is a fact preserved in the journal of Governor Winthrop. The "great bank," which has been so long resorted to, is said to be about 200 miles broad and nearly 600 miles long. In gales the sea is very high, and dense fogs are prevalent. The water is from 25 to 95 fathoms deep. The edges of the bank are abrupt and composed of rough rocks. The best fishing grounds are between the latitudes of 42° and 46° north. The "bankers," as the vessels employed there are called, anchor in the open sea, at a great distance from the land, and pursue their hazardous and lonely employment exposed to perils hardly known elsewhere. The fish are caught with hooks and lines, and (the operations of splitting and dressing performed) are salted in bulk in the hold, from day to day until the cargo is completed. The bank fish are larger than those taken on the shores of Newfoundland, but are not often so well cured. The first American vessel which was fitted for the Labrador fishery sailed from Newburyport toward the close of the last century. The business, once undertaken, was pursued with great energy, and several hundred vessels were engaged in it annually previous to the war of 1812. A voyage to Labrador, unlike a trip to the Banks of Newfoundland, is not without pleasant incidents, even to landmen. The coast is frequented for a distance of 10 or 12 degrees of latitude. It has been preferred to any other on account of its security and a general certainty of affording a supply of fish. Arriving in some harbor early in June, an American vessel is moored and remains quietly at anchor until a full "fare" has been obtained or until the departure of the fish requires the master to seek another inlet.

The fishing is done entirely in boats, and the number usually employed is one for about 30 tons of the vessel's register. Here, under the management of an experienced and skillful master, everything may be rendered systematic and regular. As soon as the vessel has been secured by the necessary anchors, her sails and light rigging are stowed away, her decks cleared, her boats fitted, and a day or two spent in fowling and sailing under color of exploring the surrounding waters and fixing upon proper stations for the boats, and the master announces to his crew that they must try their luck with the hook and line. Each boat has now assigned to it a skipper or master and one man. At the time designated the master departs with his boats to test the qualities of his men and to mark out for them a course for their future procedure.

Nothing could be more injurious to men who are brought into such intimate association by their common right of fishing on those distant shores than a policy of their governments which would cause them to make reprisals, the stronger against the weaker.

Hon. Robert J. Walker, whose ability as a statesman is nowhere seriously questioned, in a letter to Mr. Seward, Secretary of State, dated April 24, 1868, thus describes the value of the fisheries as sources of food supply. He says:

But there are other most important considerations connected with extended coasts and great fisheries. The fisheries are capable of furnishing more and cheaper food than the land.

The reasons are:

(1) The ocean surface is nearly four times that of the land, the area being 145,000,000 square miles of ocean surface to 52,000,000 of land.

(2) The ocean everywhere produces fish, from the equator to the pole, the profusion of submarine animals increasing as you go north up to a point but 433 miles from the pole, and believed to extend there, whereas, in consequence of mountains, deserts, and the temperature of the surface of the earth in very high latitudes, less than half its surface can be cultivated so as to produce food in any appreciable quantities.

(3) The temperature of the ocean in high latitudes being much warmer than

that of the land surface, there is increased profusion of submarine animal life, especially in the Arctic and Antarctic seas, where, on account of extreme cold, the land surface produces no food. In warm latitudes the deep-sea temperature diminishes with the depth until a certain point, below which it maintains an equable temperature of 40° F. The temperature of the ocean in latitude 70° (many degrees warmer than the land surface) is the same in all depths. There are wonderful provisions for the multiplication of animal life in the ocean, and it moderates both heat and cold. These are additional reasons in favor of the existence of a polar sea filled with a far greater profusion of submarine animal life than any other seas, and, as a consequence, possessing far the best fisheries. Indeed, as fish progress northward, on account of the better ocean temperature there, as also because the marine food there is more abundant, there can be little doubt that the open polar sea will furnish fisheries of incredible value.

(4) The ocean produces food in all latitudes for the support of animal submarine life. These are squid (the principal food of the whale), also abundance of nutritious sea grasses, etc., upon which the fish feed. Besides, as the earth is more and more cultivated, and farms, as well as towns and cities, drained by creeks and rivers to the seas, the submarine food is correspondingly augmented. Even in mid ocean the phosphorescence observed there is produced by the presence in the water of myriads of living animals.

(5) Whilst the earth produces food by plowing its surface only a few inches deep, the ocean supplies myriads of fish, tier on tier, thousands of fathoms deep. Thus the registered take of herrings in the Scotch fisheries in 1861 was 900,000,000, whilst that of Norway, in the latitude of Iceland and Greenland, was far greater.

Perhaps, however, the main reason why the ocean produces so much more food for man than the land is that whilst land animals only give birth to one or two of their young at a time, some fish produce millions of ova to be matured into life. Thus a female cod has been found to contain 3,400,000 ova, and other fish ova varying from several millions to 36,000. Hence the vast success attending the increased production of fish by transfer, by sowing the spawn, and other methods known to ichthyology.

Nothing could more certainly lessen the food supply of the people, which, after all, is the basis of all human progress, than to promote strife amongst fishermen visiting the same waters. A policy that leads to such a result is an injustice to the human family.

No wealth, national or personal, can be justly earned when it comes from diminishing the supply of human food.

With all our vast excess of cereals and of animal food we still need all the fish we can gather from the oceans and seas for the comfort and economy of living, especially among the industrial classes of our rapidly increasing population. The Atlantic and Pacific fisheries rank in importance along with the production of beef, mutton, and pork as a source of food supply and as a competitive element in the food markets even of this abundant country.

Our fishing rights and liberties along the coasts of Labrador and Newfoundland, as fixed by the treaty of 1818, are rights to be enjoyed in common with the British people, and are such as no other nation has. They are partnership rights, in the intimate character of the association, in their labors and privileges, of our fishermen with theirs. No two nations were ever drawn into a closer relationship, or one in which good will and mutual forbearance were more essential to the profitable pursuit of a great industry, than that established between us by the joint struggles of the colonies, confirmed by the treaty of 1783, and renewed, as to ports of Labrador and Newfoundland, almost without restriction, by the treaty of 1818.

As to this, by far the most essential part of the rights reserved to us in that treaty, we can no more preserve and enjoy its value to us under the plan of reprisals, through retaliatory laws, upon British commerce, than copartners can promote their joint business interests by each one attempting constantly to destroy the value of the other partner's share in the venture.

Our vessels and theirs are anchored side by side in the bays, or follow the same schools of fish, and capture them wherever they are found along these coasts. One fisherman entices the fish around his vessel with bait and another comes in and takes what he can with his lines or nets, just as if the whole business was a copartnership.

If these vessels belong to countries that are arrayed in commercial hostility based upon retaliatory laws and ready to break out upon slight provocation into a war, their friendly association will be impossible.

XI.

THE USE OF FLEETS TO INTERPRET A TREATY.

Under the misunderstandings of the past we have on both sides sent fleets to these waters to protect our fishermen against each other and against the unfriendly conduct of the local governments—fleets to enforce agreements that the governments concerned could not expound by a mutual understanding.

If these questions are left open and commercial war is inaugurated through measures of retaliation, how many ships and guns is it supposed will be needed to keep the peace between our fishermen on the coasts of Labrador and Newfoundland?

The danger in this direction does not come from the desire of either Government to promote a war, but from their inability to prevent its initiation through the personal hostilities of men associated in the use of common rights and privileges and stimulated by rivalries which are encouraged by laws of retaliation enacted by their respective Governments.

These are some of the dangers against which this treaty wisely makes safe provision.

XII.

THE AREA YIELDED BY THE DELIMITATIONS OF THIS TREATY AS COMPARED WITH THOSE YIELDED BY THE BRITISH GOVERNMENT ON THEIR CONSTRUCTION OF THE LIMITS OF OUR "RENUNCIATION" UNDER THE TREATY OF 1818.

It is alleged by some that this treaty yields to the British Government 50,000 square miles of exclusive fishing grounds beyond what we yielded in the treaty of 1818.

Taking the contention of the United States that no headland theory is to be found in the treaty of 1818, and that the exclusive fishing limit is a line 3 miles from the shore, at low water, that enters all harbors, bays, and creeks that are more than 6 miles wide at the entrance, and follows the sinuosities of the coast thereof, this estimate of the area surrendered in this treaty is greatly exaggerated.

This is the narrowest limit to which we have confined our renunciation in the treaty of 1818, of the common right of fishery, in our contentions with Great Britain.

The total area as to which we renounced the common right of fishing, according to this construction of that treaty, is 16,424 nautical square miles.

The additional area of renunciation under the delimitations of the proposed treaty now before the Senate is 1,127 square miles, being $6\frac{2}{17}$ per cent addition to the former area of exclusion.

The total area of bays, creeks, and harbors not more than 6 miles wide at their mouths is about 6,599 square miles, and is included in the above-mentioned measurement of 16,424 square miles.

The British claim as the true construction of the agreement in the treaty of 1818 that it fixed the line within which we renounced the common right of fishery at the distance, measured seaward, of 3 miles from the entrance of all bays, harbors, and creeks of His Majesty's dominions. This would add an area of 3,489 square miles to the exclusive fishing grounds claimed by the British Government, while the area in which we have renounced the common right of fishing in those bays, harbors, and creeks under the proposed treaty now before the Senate is 1,127 square miles.

Thus, under the British contention that Government yields in this treaty 3,489 square miles of exclusive fishing waters to the people of the United States as a common fishery and we yield 1,127 square miles to the British Government as exclusive fishing waters which we now claim to enjoy with them as a common fishery under our construction of the treaty of 1818, which they refuse to admit.

They yield more than two-thirds of their claim to us and we yield less than one-third of our claim to them for the sake of settling forever a dispute that has lasted for seventy years and has been in every way a costly and disturbing contention to our people. (See official statement from the Coast Survey, marked D.)

If these disputed areas were the richest fisheries in the world, the settlement of our respective rights in them as arranged in the treaty now before the Senate should be welcomed by the American people with entire satisfaction.

When we know, from the examination and report of the Senate Committee on Foreign Relations, that this disputed area is of no real advantage to our fishermen, and that this statement is supported by conclusive evidence furnished by the Halifax commission and by Professor Baird, our former Commissioner of Fisheries, no ground seems to be left for the contention of those who oppose this settlement.

XIII.

THE VIEWS OF THE PRESIDENT OF THE UNITED STATES AS TO THE PROPER EXECUTION OF THE ACT OF CONGRESS OF MARCH 3, 1887, OPPOSED TO THOSE OF THE CAPITALISTS WHO CONTROL OUR FISHING INDUSTRY AND REAP THE GREATEST ADVANTAGES FROM THEM.

The president of the American Fishery Union, in 1887, brought the subject of retaliation to the attention of the President of the United States, and insisted that it should be applied only to the exclusion of British-American fishing products from the markets of the United States. To that demand the President of the United States replied as follows:

EXECUTIVE MANSION,
Washington, D. C., April 7, 1887.

GENTLEMEN: I have received your letter lately addressed to me, and have given full consideration to the expression of the views and wishes therein contained in relation to the existing differences between the Government of Great Britain and the United States growing out of the refusal to award to our citizens engaged in fishing enterprises the privileges to which they are entitled either under treaty stipulations or the guaranties of international comity and neighborly concession. I sincerely trust the apprehension you express of unjust and unfriendly treatment of American fishermen lawfully found in Canadian waters will not be realized;

but if such apprehension should prove to be well founded, I earnestly hope that no fault or inconsiderate action of any of our citizens will in the least weaken the just position of our Government or deprive us of the universal sympathy and support to which we should be entitled.

The action of this Administration since June, 1885, when the fishery articles of the treaty of 1871 were terminated under the notification which had two years before been given by our Government, has been fully disclosed by the correspondence between the representatives and the appropriate departments of the respective Governments, with which I am apprised by your letter you are entirely familiar. An examination of this correspondence has doubtless satisfied you that in no case have the rights or privileges of American fishermen been overlooked or neglected, but that, on the contrary, they have been sedulously insisted upon and cared for by every means within the control of the executive branch of the Government.

The act of Congress approved March 3, 1887, authorizing a course of retaliation, through Executive action, in the event of a continuance on the part of the British-American authorities of unfriendly conduct and treaty violations affecting American fishermen, has devolved upon the President of the United States exceedingly grave and solemn responsibilities, comprehending highly important consequences to our national character and dignity, and involving extremely valuable commercial intercourse between the British possessions in North America and the people of the United States.

I understand the main purpose of your letter is to suggest that, in case recourse to the retaliatory measures authorized by this act should be invited by unjust treatment of our fishermen in the future, the object of such retaliation might be fully accomplished by "prohibiting Canadian-caught fish from entry into the ports of the United States."

The existing controversy is one in which two nations are the parties concerned. The retaliation contemplated by the act of Congress is to be enforced, not to protect solely any particular interest, however meritorious or valuable, but to maintain the national honor, and thus protect all our people. In this view the violation of American fishery rights and unjust or unfriendly acts toward a portion of our citizens engaged in this business is but the occasion for action, and constitutes a national affront which gives birth to or may justify retaliation. This measure once resorted to, its effectiveness and value may well depend upon the thoroughness and extent of its application; and in the performance of international duties, the enforcement of international rights, and the protection of our citizens, this Government and the people of the United States must act as a unit, all intent upon attaining the best result of retaliation upon the basis of a maintenance of national honor and duty.

The nation seeking by any means to maintain its honor, dignity, and integrity is engaged in protecting the rights of the people; and if, in such efforts, particular interests are injured and special advantages forfeited, these things should be patriotically borne for the public good. An immense volume of population, manufactures and agricultural productions, and the marine tonnage and railways to which these have given activity, all largely the result of intercourse between the United States and British America, and the natural growth of a full half century of good neighborhood and friendly communication, form an aggregate of material wealth and incidental relation of most impressive magnitude. I fully appreciate these things, and am not unmindful of the great number of our people who are concerned in such vast and diversified interests.

In the performance of the serious duty which Congress has imposed upon me, and in the exercise, upon just occasion, of the power conferred under the act referred to, I shall deem myself bound to inflict no unnecessary damage or injury upon any portion of our people; but I shall, nevertheless, be unflinchingly guided by a sense of what the self-respect and dignity of the nation demand. In the maintenance of these and in the support of the honor of the Government, beneath which every citizen may repose in safety, no sacrifice of personal or private interests shall be considered as against the general welfare.

Yours, very truly,

GROVER CLEVELAND.

GEORGE STEELE,

*President American Fishery Union, and others,
Gloucester, Mass.*

From this letter, to which the minority of the committee refer with great satisfaction as a correct exposition of the duties that Congress has imposed upon the President in the enforcement of our laws of

retaliation, it will be seen that the present Administration will treat this subject in the same sense that Congress has treated it, as a question of national concern and not as a means of promoting the pecuniary interests of those who control and derive the chief benefit of our fisheries, such as the owners and outfitters of fishing fleets, and warehousemen and those engaged in salting, drying, and canning fish for the interior markets.

The hardy fishermen of the United States will, we believe, also be protected in the administration of our retaliatory laws, and other similar statutes, against the common practice that speculators in the fishing industry now resort to of placing their vessels in charge of captains and crews imported from Canada, because they can underbid our fishermen in the matter of wages.

This practice is a far more serious injury to our fishermen and to the people of the United States than would come from yielding twice the area of fishing waters that are yielded by the delimitations of this treaty, even if they were good fishing waters. It has already compelled many of our best fishermen to withdraw from this and to seek a living in other pursuits.

XIV.

THE QUESTION OF THE BRITISH HEADLAND THEORY, AS TO SMALLER BAYS AND HARBORS ALONG THE COASTS, AND THE LIMITS OF OUR RENUNCIATION OF THE RIGHTS OF FISHING, AND THE NATURE OF THE RESTRICTIONS UPON THE RIGHTS OF OUR FISHERMEN TO ENTER THE BAYS AND HARBORS OF BRITISH NORTH AMERICA ARE MATTERS OF DISPUTED RIGHT. ADMISSIONS MADE HERETOFORE BY AMERICAN DIPLOMATISTS AS TO THE DIFFICULTY OF CONSTRUING, GRAMMATICALLY, THE TEXT OF THE TREATY OF 1818 GIVE COLOR TO THE BRITISH CONSTRUCTION, AND PROVE, AT LEAST, ITS SINCERITY.

It is boldly asserted, in opposition to this treaty, that there is no sort of equivalent for the 1,127 square miles of fishing waters that we concede by the fixed lines of delimitation in this treaty. This assertion impeaches both the right of the British Government and the sincerity of its claim of the headland theory, as it applies to bays more than 6 miles wide at the entrance. Nevertheless that assertion is much weakened by the official opinions of eminent American publicists, communicated to the British Government.

If the territorial claims of both Governments were sincerely asserted, as we believe they were, in reference to the fishing waters, the modification of them by mutual consent has always been held in the conduct of nations as a good equivalent, moving from each to the other, for the concessions mutually made. This doctrine is also applied by the courts as between individuals to support agreements based on the consideration of yielding or settling disputed claims.

In contrast with the assertion of the utter want of reason in the claims of Great Britain, based on the headland theory, we find many strong declarations of our Government. Mr. Monroe, Secretary of State, on December 30, 1816, admitted that a discussion of rights should be avoided when mutual concessions were necessary to bring the treaty powers to a mutual agreement. He said to Mr. Bagot:

In providing for the accommodation of the citizens of the United States engaged in the fisheries on the coasts of His Britannic Majesty's colonies on conditions advantageous to both parties. I concur in the sentiment that it is desirable to avoid a discussion of their respective rights, and to proceed, in a spirit of conciliation, to

examine what arrangement will be adequate to the object. The discussion which has already taken place between our Governments has, it is presumed, placed the claim of each party in a just light.

Our claim then was that we had a common right of fishery, on all the coasts, with the people of the British North American possessions.

The British Government then claimed that the war of 1812-1815 had destroyed all our claims in such fisheries. On the 28th July, 1818, Mr. Adams, Secretary of State, instructed Mr. Gallatin and Mr. Rush as follows:

The President authorizes you to agree to an article whereby the United States will desist from the liberty of fishing and curing and drying fish within the British jurisdiction generally, upon condition that it shall be secured as a permanent right, not liable to be impaired by any future war, from Cape Ray to Ramea Islands, and from Mount Joli, on the Salvador coast, through the straits of Belle Isle, indefinitely north, along the coast; the right to extend as well to curing and drying the fish as to fishing.

This instruction was certainly much more liberal to the subjects of Great Britain than the first article of the treaty that was made under it. But the instruction stated the demand of the United States, and the British have a right to argue, at least, that the treaty was intended to conform to it as to the principles involved in it.

Claiming absolutely the right to enjoy these fisheries in common with the Canadians, and basing our claim upon the highest considerations of justice, we were met with the counterclaim of Great Britain that all our fishing rights in Canadian waters were granted to us by the treaty of 1783, and that that treaty had been abrogated by war. In this dispute, which was vital, we found so much reason for an adjustment that our plenipotentiaries offered to Great Britain the surrender of our rights to the extent they were renounced in the treaty of 1818.

Our plenipotentiaries, in explaining the treaty to our Government, say:

It will also be perceived that we insisted on the clause by which the United States renounce their right to the fisheries relinquished by the convention, that clause being omitted in the first British counter project.

We insisted on it with the view (1) of preventing any implication that the fisheries secured to us were a new grant and of placing the permanence of the rights secured and of those renounced precisely on the same footing; (2) of its being expressly stated that our renunciation extended only to the distance of 8 miles from the coasts.

The reasons they assigned for the importance of this point bring into serious doubt the question whether this renunciation extended to the ocean coasts or the coasts of the bays. They are as follows:

This last point was the more important, as, with the exception of the fishery in open boats within certain harbors, it appeared from the communications above mentioned that the fishing ground on the whole coast of Nova Scotia is more than 8 miles from the shores; whilst, on the contrary, it is almost universally close to the shore on the coasts of Labrador. It is in that point of view that the privilege of entering the ports for shelter is useful, and it is hoped that with that provision a considerable portion of the actual fisheries on that coast (of Nova Scotia) will, notwithstanding the renunciation, be preserved.

In view of these declarations of our plenipotentiaries who negotiated the treaty of 1818, no censure can be due to Daniel Webster for having expressed the opinion, in what is termed his "proclamation" to our fishermen, that "it would appear that by a strict and rigid construction of this article" (of the treaty of 1818), "fishing vessels of the United States are precluded from entering into the bays," etc., and that "it was undoubtedly an oversight in the convention of 1818

to make so large a concession to England, since the United States had usually considered that these vast inlets or recesses of the ocean ought to be open to American fishermen, as free as the sea itself, to within 3 miles of the shore."

It was not until March, 1845, that the Bay of Fundy was declared open to our fisheries by the British Government, on condition "that they do not approach, except in cases specified in the treaty of 1818, within 3 miles of the entrance of any bay on the coast of Nova Scotia or New Brunswick."

On the 17th September, 1845, the governor of Nova Scotia was instructed by the British Government that the permission to fish that had been conceded to us in the Bay of Fundy did not extend "to the Bay of Chaleur and other large bays of similar character on the coast of Nova Scotia and New Brunswick," and that they "still adhere to the strict letter of the treaties," of which Mr. Webster afterwards spoke in his circular letter in 1852.

Many other disputations have occurred over the meaning of this treaty, as to the extent of the renunciation of our fishing rights within 3 miles of the coasts, bays, harbors, and creeks of the British North American possessions, and we are not aware that any of them have been definitively settled. Mr. Everett, minister to Great Britain, on the 25th March, 1845, replied to the letter of Lord Aberdeen, stating the action of the British Government in relation to our right to fish in the Bay of Fundy, in which Lord Aberdeen said:

The undersigned will confine himself to stating that, after the most deliberate reconsideration of the subject, and with every desire to do full justice to the United States, and to view the claims put forward on behalf of the United States citizens in the most favorable light, Her Majesty's Government are nevertheless still constrained to deny the right of United States citizens, under the treaty of 1818, to fish in that part of the Bay of Fundy which, from its geographical position, may properly be considered as included within the British possessions.

Her Majesty's Government still maintain—and in this they are fortified by high legal authority—that the Bay of Fundy is rightfully claimed by Great Britain as a bay within the meaning of the treaty of 1818, and they equally maintain the position which was laid down in the note of the undersigned, dated the 15th of April last, that with regard to the other bays on the British American coasts no United States fisherman has, under that convention, the right to fish within 3 miles of the entrance of such bays as designated by a line drawn from headland to headland at that entrance.

That treaty was then twenty-four years old. It is now seventy. But Mr. Edward Everett, instead of recommending war as the means of meeting this flat denial of our rights, that are now considered so clear as to be indisputable, replied to Lord Aberdeen in the same spirit that subsequently pervaded Mr. Webster's circular (above quoted), as follows:

Speaking of the attitude of the United States as to the British construction of the treaty of 1818, he says:

While they have ever been prepared to admit, that in the letter of one expression of that instrument there is some reason for claiming a right to exclude United States fishermen from the Bay of Fundy (it being difficult to deny to that arm of the sea the name of "bay," which long geographical usage has assigned to it), they have ever strenuously maintained that it is only on their own construction of the entire article that its known design in reference to the regulation of the fisheries admits of being carried into effect.

Will Mr. Everett also be censured for finding difficulties in the headland theory of the British Government (so clearly stated by Lord Aberdeen) that staggered Mr. Webster's honest mind in 1852?

A still more conspicuous and deliberate presentation of the difficulty

of arriving at a satisfactory construction of the first article of the treaty of 1818 and of the propriety and necessity of an agreement with Great Britain as to its true meaning is found in the letter of Mr. Evarts, Secretary of State, to Mr. Welsh, our minister to England, of September 27, 1878. Mr. Evarts says:

If the benevolent method of arbitration between nations is to commend itself as a discreet and practical disposition of international disputes, it must be by a due maintenance of the safety and integrity of the transaction, in the essential point of the award, observing the limits of the submission.

But this Government is not at liberty to treat the fisheries award as of this limited interest and operation in the relations of the two countries to the important, permanent, and difficult contention on the subject of the fisheries, which for sixty years has, at intervals, pressed itself upon the attention of the Governments and disquieted their people. The temporary arrangement of the fisheries by the treaty of Washington is terminable, at the pleasure of either party, in less than seven years from now.

And he then proceeds to argue that if this Government acquiesced in the measure of damages assessed by the commission, our rights might be prejudiced after the twelve years' period expired. Referring, further on in the dispatch, to the historical aspect of the matter, Mr. Evarts said:

Our diplomatic intercourse has unfolded the views of successive British and American cabinets upon the conflicting claims of mere right on the one side and the other, and at the same time evinced on both sides an amicable preference for practical and peaceful enjoyment of the fisheries, compatibly with a common interest, rather than a sacrifice of such common interest to a purpose of insisting upon extreme right at a loss on both sides of what was to each the advantage sought by the contention.

In this disposition the two countries have inclined more and more to retire from irreconcilable disputations as to the true intent covered by the somewhat careless and certainly incomplete text of the convention of 1818, and to look at the true elements of profits and prosperity in the fisheries themselves, which alone, to the one side or the other, made the shares of their respective participation therein worthy of dispute. This sensible and friendly view of the matter in dispute was greatly assisted by the experience of the provincial populations of a period of common enjoyment of the fisheries without attention to any sea line of demarkation, but with a certain distribution of industrial and economical advantages in the prosecution and the product of this common enjoyment.

Here is almost an exact repetition of Mr. Webster's declaration of 1852 as to the unsatisfactory and uncertain character of the convention of 1818, especially to the "sea line of demarkation."

As to the representations made by the Secretary of State to the British minister in Washington in the cases of the *Joseph Story* and *David J. Adams*, in notes dated, respectively, the 10th and 20th of May, 1886, the Earl of Roseberry communicated to Sir Lionel West a report of the Candian minister of marine and fisheries, copy of which was communicated to Mr. Bayard by Mr. Harding, British chargé d'affaires, on August 2, 1886. From this report the following in reply to Mr. Bayard's argument for commercial privileges is here quoted:

In addition to this evidence, it must be remembered that the United States Government admitted, in the case submitted by them before the Halifax commission in 1877, that neither the convention of 1818 nor the treaty of Washington conferred any right or privilege of trading on American fishermen. The British case claimed compensation for the privilege which had been given since the ratification of the latter treaty to United States fishing vessels "to transfer cargoes, to outfit vessels, by supplies, obtain ice, engage sailors, procure bait, and traffic generally in British ports and harbors."

This claim was, however, successfully resisted, and in the United States case it is maintained "that the various incidental and reciprocal advantages of the treaty, such as the privileges of traffic, purchasing bait and other supplies, are not the subject of compensation, because the treaty of Washington confers no such rights

on the inhabitants of the United States, who now enjoy them merely by sufferance, and who can at any time be deprived of them by the enforcement of existing laws or the reenactment of former oppressive statutes. Moreover, the treaty does not provide for any possible compensation for such privileges."

Still later a reply to the representations made by Mr. Phelps, at London, was written by the Canadian minister of justice. From his reply we quote the following:

But even at this barrier the difficulty in following Mr. Phelps's argument by which he seeks to reach the interpretation he desires does not end. After taking a view of the treaty which all authorities thus forbid, he says: "Thus regarded, it appears to me clear that the words 'for no other purpose whatever,' as employed in the treaty, mean for no other purpose inconsistent with the provisions of the treaty." Taken in that sense, the words would have no meaning, for no other purpose would be consistent with the treaty, excepting those mentioned. He proceeds, "or prejudicial to the interests of the provinces or their inhabitants." If the United States authorities are the judges as to what is prejudicial to those interests, the treaty will have very little value; if the provinces are to be the judges, it is most prejudicial to their interests that United States fishermen should be permitted to come into the harbors on any pretext, and it is fatal to their fishery interests that these fishermen, with whom they have to compete at such a disadvantage in the markets of the United States, should be allowed to enter for supplies and bait, even for the pursuit of the deep-sea fisheries. Before concluding his remarks on this subject, the undersigned would refer to a passage in the answer on behalf of the United States to the case of Her Majesty's Government as presented to the Halifax fisheries commission in 1877: "The various incidental and reciprocal advantages of the treaty, such as the privileges of traffic, purchasing bait and other supplies, are not the subject of compensation, because the treaty of Washington confers no such rights on the inhabitants of the United States, who now enjoy them merely by sufferance, and who can at any time be deprived of them by the enforcement of existing laws or the reinforcement of former oppressive statutes."

If the proclamation of 1830 and the order in council of that year extended to the fishing vessels engaged in the fisheries adjacent to the British provinces on the North Atlantic and repealed the treaty of 1818, in its restrictive parts, the position taken by the United States before the Halifax commission was a serious error.

XV.

A PRECEDENT WAS ESTABLISHED BY PRESIDENT JACKSON IN 1834 AS TO THE WISDOM OF FORBEARANCE IN COMMERCIAL RETALIATION, OR IN MAKING REPRISALS FOR A WILLFUL VIOLATION OF TREATY OBLIGATIONS AS TO THE MEANING OF WHICH THERE WAS NO DISPUTE, RATHER THAN DISTURB SERIOUSLY THE INTERESTS OF OUR PEOPLE.

The results of a firm but pacific policy in demanding a compliance with treaty obligations with friendly powers are strongly exemplified in the conduct of President Jackson in reference to the treaty of July 4, 1831, with the French Government.

By that treaty France acknowledged an indebtedness to the United States of 25,000,000 francs, payable in six annual installments, with interest, the first due February 7, 1833. The Chamber of Deputies, by a majority of 8, refused to enable the King to carry out the treaty by withholding the necessary appropriation. This was on the alleged ground that our plenipotentiary, having a superior knowledge of the facts, had obtained an undue advantage of the French negotiator in the terms of the treaty.

The reply of Mr. Livingston, that he had obtained the information on which he had acted almost exclusively on papers obtained in France, was a conclusive vindication of that good and eminent man.

This and subsequent refusals of the deputies, together with irritating expressions of the French Government, caused the withdrawal of diplomatic intercourse with that Government. And demands of the French deputies that President Jackson should withdraw certain forcible comments made by him in his messages to Congress on this subject gave him just cause for indignation.

In view, however, of the serious results that always follow reprisals, retortions, and retaliations, even under the heat of a just indignation for a flagrant wrong, President Jackson thus advised Congress, in his sixth annual message (1834), as to the policy of such action:

Our institutions are essentially pacific. Peace and friendly intercourse with all nations are as much the desire of our Government as they are the interest of our people. But these objects are not to be permanently secured by surrendering the rights of our citizens, or permitting solemn treaties for their indemnity in cases of flagrant wrong to be abrogated or set aside.

It is undoubtedly in the power of Congress seriously to affect the agricultural and manufacturing interests of France by the passage of laws relating to her trade with the United States. Her products, manufactures, and tonnage may be subjected to heavy duties in our ports, or all commercial intercourse with her may be suspended. But there are powerful and, to my mind, conclusive objections to this mode of proceeding. We can not embarrass or cut off the trade of France without at the same time, in some degree, embarrassing or cutting off our own trade. The injury of such a warfare must fall, though unequally, upon our own citizens, and could not but impair the means of the Government and weaken that united sentiment in support of the rights and honor of the nation which must now pervade every bosom.

Nor is it impossible that such a course of legislation would introduce once more into our national councils these disturbing questions in relation to the tariff of duties which have been so recently put to rest: besides, by every measure adopted by the Government of the United States with the view of injuring France the clear perception of right, which will induce our own people and the rulers and people of all other nations—even of France herself—to pronounce our quarrel just, will be obscured, and the support rendered to us in a final resort to more decisive measures will be more limited and equivocal.

There is but one point in the controversy, and upon that the whole civilized world must pronounce France to be in the wrong. We insist that she shall pay us a sum of money which she has acknowledged to be due, and of the justice of this demand there can be but one opinion among mankind. True policy would seem to dictate that the question at issue should be kept thus disencumbered and that not the slightest pretense should be given to France to persist in her refusal to make payment by any act on our part affecting the interests of her people. The question should be left as it is now, in such an attitude that when France fulfills her treaty stipulations all controversy will be at an end.

XVI.

BY THE DELIMITATIONS FIXED IN THIS TREATY WE YIELD NOTHING THAT IS OF ANY VALUE TO OUR FISHERMEN. WHAT WE YIELD IS OF VALUE TO THE BRITISH PROVINCES AS A MEANS OF CONDUCTING THEIR LOCAL GOVERNMENTS. THE TREATY IS A JUST AND FAIR SETTLEMENT.

The treaty now before the Senate wisely and reasonably provides for the settlement of all disputed questions that have been under discussion by the two Governments and adds greatly to the privileges of our fishermen in the British American ports.

In a published letter of the chief counsel of the "outfitters" and owners of fishing vessels—Mr. Woodbury—he says that the "right to fish on the coast of Nova Scotia, within the 3-mile limit, our fishermen consider of no value whatever."

The report of the Senate Committee on Foreign Relations of January 19, 1887, on the value of inshore fishing rights, and the right

to take or buy bait, to which reference has been made, shows conclusively that they are of no value to our fishermen. In their report the committee say:

From the investigations made by the committee during the last summer and fall, and as the result of the great mass of testimony taken by them and herewith returned, the committee believe it to be clear, beyond all dispute, that the right to fish within 3 miles of the Dominion shores is of no practical advantage whatever to American fishermen. The cod and halibut fishing has been for many years almost entirely carried on at long distances from the shores, in the deep waters, on banks, etc.; and it is believed that were there absolute liberty for Americans to fish, without restriction or regulation of any kind, within 3 miles of the Dominion shores, no such fisherman would ever think of going there for the purpose of catching cod or halibut.

As regards the obtaining of bait for this class of fishing, the testimony taken by the committee in its inquiries clearly demonstrates that there is no necessity whatever for American fishermen to resort to Canadian waters for that purpose. Clam bait is found in immense quantities in our own waters, and there have been instances, so frequent and continuous as to amount to a habit, of the Canadians themselves resorting to American waters or ports for the purpose of obtaining it. The squid bait is found on the very banks where the fishing goes on. So that the instances would be extremely rare when any American fishing vessel would wish to resort to a Dominion port for the purpose of buying bait for this kind of fishing.

It was also proved before the committee that, with the rarest exceptions, it would be absolutely injurious to the pecuniary interests of all concerned for American vessels to resort to Dominion ports or waters, except in need or distress, for the time taken in such departures from the cod and halibut grounds, or from direct sailing to and from them, is so great that, with or without the difference of port expenses, time and money are both lost in such visits.

In respect of the mackerel fishery the committee finds, as will be seen from the evidence referred to, that its course and methods have of late years entirely changed. While it used to be carried on by vessels fishing with hook and line, and sometimes near the shores, it is now almost entirely carried on by the use of immense seines, called purse seines, of great length and descending many fathoms into the water. This gear is very expensive, and a fishing vessel does not usually carry more than one or two. The danger of fishing near the shore with such seines is so great, on account of striking rocks and reefs, that it is regarded as extremely hazardous ever to undertake it. Besides this, the large schools of mackerel, to the taking of which this great apparatus is best adapted, are almost always found more than 3 miles from land, either in great bays and gulfs or entirely out at sea.

There will be found accompanying this report (see Appendix) statements showing the total catch of mackerel during certain years and the parts of the seas where they have been taken; and it will also be seen from the evidence that in general the mackerel fisheries by Americans in the Gulf of St. Lawrence and in the Bay of Chaleur have not been remunerative.

In view of all these facts, well known to the great body of the citizens of the United States engaged in fisheries and embracing every variety of interest connected therewith, from the wholesale dealer, vessel owner, and outfitter to that portion of the crew who receive the smallest share of the venture, it must be considered as conclusively established that there would be no material value whatever in the grant by the British Government to American fishermen of absolutely free fishing; and in this conclusion it will be seen, by a reference to the testimony, that all these interests fully concur.

When we consider that the inshore fisheries are of no value and that the right to take bait, or buy it, is worse than useless to our people, the alleged surrender of fishing territory to the British in this treaty is of far less consequence to us than the surrender we made in 1854, to get these privileges, by purchasing with reciprocity the repose of the British contentions, restrictions, and exclusions, at a cost to our revenues of nearly \$10,000,000; and in 1871 by a purchase with \$5,500,000 in money and a great sum in the loss of revenues on fish imported from Canada.

We have paid for everything we have got from Great Britain, since 1783, in connection with the fisheries. That concession was the last

thing we got under our strict demand for the right. It is the last thing we will ever get without compensation, until we go to war to regain our attitude of 1783.

The extract from the report of the Senate committee, above copied, shows that in such a war we would be fighting over a subject that is utterly barren of any actual value to the American people—a war in which the principles involved would have no relation to rights secured by international laws, but would relate only to the meaning of words in a treaty that were put there by the mutual consent of two enlightened Governments.

This treaty closes the discussion on the subject of delimitation of fishing boundaries, a matter that was, in some sort, provided for in the treaty of 1854.

It presents a fair and equitable settlement of questions that have been in dispute for seventy years.

It gives our fishermen, as an equivalent for the concessions we make, largely increased privileges as navigators, beyond the narrow and inhospitable provisions of the treaty of 1818.

And, for the first time that such a thing was ever attempted, this treaty proposes to open the door to wide commercial privileges for our fishermen, based on concessions that concern them alone.

The *modus vivendi* provided in the protocol enables our fishermen, during two fishing seasons, to compare the value of the very broad commercial privileges therein accorded with the price of annual license at \$1.50 per ton on their ships. A fisherman, outfitting with all he needs to sustain his business in Canadian ports, and having the privilege of sending his fares to our market under bond, over railroads and through such ports as would be easily reached, would be able to make so many more voyages that the annual license of \$1.50 a ton on his ship would be reduced to 30 cents or 40 cents per ton on the voyage. If the business will not bear such a tax in compensation for such privileges, it is scarcely worth a war, or a serious disturbance of good will with our neighbors, to secure these commercial advantages to our fishermen.

We venture to repeat the recommendation that the Senate will await the developments that even one fishing season will make under this protocol before taking final action on the treaty.

XVII.

THERE IS NO FAULT IN THE MANNER OF NEGOTIATING THIS TREATY, AND THE PRESIDENT HAS NOT IN ANY WAY EXCEEDED HIS CONSTITUTIONAL POWERS, OR WITHHELD ANY COURTESY DUE TO THE SENATE IN RESPECT OF THE AGENTS SELECTED BY HIM TO CONDUCT THE NEGOTIATION, OR IN THE TIME OR PLACE OF NEGOTIATING OR CONCLUDING THE TREATY.

On the other question, as to the form in which this negotiation has been conducted and the authority of the two plenipotentiaries, Mr. Putnam and Mr. Angell, to act, without a confirmation by the Senate, we rely upon the precedents cited in the annexed brief of cases that seem to conclude any question on this point.

The table hereto appended, marked C, will furnish an easy reference to all the appointments of diplomatic agents to negotiate and conclude conventions, agreements, and treaties with foreign powers since 1792. The whole number of persons appointed or recognized

by the President, without the concurrence or advice of the Senate, or the express authority of Congress, as agents to conduct negotiations and conclude treaties is 438. Three have been appointed by the Secretary of State and 32 have been appointed by the President with the advice and consent of the Senate.

It will be seen that an interval of fifty-three years, between 1827 and 1880, occurred during which the President did not ask the consent of the Senate to any such appointment.

The following important appointments and many others were made when the Senate was in session:

March 2, 1793.—David Humphries. By Washington. Commissioned plenipotentiary to treat with Algiers. Congress adjourned on that day.

January 26, 1832.—Edmund Roberts. By Jackson. Commissioner to treat with Cochin China and Siam. Congress in session.

May 3, 1838.—Nathaniel Niles. By Van Buren. Special agent to negotiate treaty with Sardinia. Congress in session.

March 28, 1846.—A. Dudley Mann. By Polk. Special agent to treat with several states of Germany. Congress in session.

The constitutional power of the President to select the agents through whom he will conduct such business is not affected by the fact that the Senate is or is not in session at the time of such appointment or while the negotiation is being conducted, or the fact that he may prefer to withhold, even from the Senate, or from other countries, the fact that he is treating with a particular power or on a special subject.

The secret-service fund that Congress votes to the Department of State annually is that from which such agents are usually paid. That is the most important reason for such appropriations.

The following is a summary of Appendix C:

Persons appointed by the President and confirmed by the Senate:

1792. William Carmichael, William Shott, to treat with Spain.

1794. John Jay, to treat with Great Britain.

1794. Thomas Pinckney, to treat with Spain.

1793. Rufus King, to treat with Great Britain.

1797. John Q. Adams, to treat with Prussia.

1797. John Q. Adams, to treat with Sweden.

1797. C. C. Pinckney, John Marshall, Elbridge Gerry, to treat with France.

1798. John Q. Adams, to treat with Sweden.

1799. Rufus King, to treat with Russia.

1799. Oliver Ellsworth, Patrick Henry, and William Van Murray, to treat with France.

1799. W. R. Davis, vice Henry, as above.

1803. James Monroe and R. R. Livingston, to treat for Louisiana.

1803. Rufus King, to treat with Great Britain, northeast boundary.

1806. James Armstrong and James Bowdoin, to treat with Spain.

1814. J. Q. Adams, J. A. Bayard, Henry Clay, and Jonathan Russell, to treat with Great Britain.

1814. Albert Gallatin, to treat with Great Britain.

1826. R. C. Anderson and John Sargeant, to treat with the American nations.

1827. Joel R. Poinsett, vice Anderson, above.

1880. James B. Angell, John T. Swift, and W. H. Prescott, to treat with China.

Total number, 32.

Persons appointed by the Secretary of State:

1825. Christopher Hughes, to treat with Denmark.

1826. John James Appleton, to treat with Naples.

1886. George H. Bates, to treat with Tonga.

Total number, 3.

Persons appointed by the President:

Total number, 438.

JOHN T. MORGAN.
ELI SAULSBURY.
JOSEPH E. BROWN.
H. B. PAYNE.

APPENDIX A.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of Congress of the United States, passed on the 29th day of May, 1830, it is provided that whenever the President of the United States shall receive satisfactory evidence that the Government of Great Britain will open the ports of its colonial possessions in the West Indies, on the continent of South America, the Bahama Islands, the Caicos, and the Bermuda or Somer Islands, to the vessels of the United States for an indefinite or for a limited term, that the vessels of the United States and their cargoes on entering the colonial ports aforesaid shall not be subject to other or higher duties of tonnage or impost or charges of any other description than would be imposed on British vessels or their cargoes arriving in the said colonial possessions from the United States; that the vessels of the United States may import into the said colonial possessions from the United States any article or articles which could be imported in a British vessel into the said possessions from the United States, and that the vessels of the United States may export from the British colonies aforementioned to any country whatever other than the dominions or possessions of Great Britain any article or articles that can be exported therefrom in a British vessel to any country other than the British dominions or possessions aforesaid, leaving the commercial intercourse of the United States with all other parts of the British dominions or possessions on a footing not less favorable to the United States than it now is; that then, and in such case, the President of the United States shall be authorized at any time before the next session of Congress to issue his proclamation declaring that he has received such evidence, and that thereupon, and from the date of such proclamation, the ports of the United States shall be opened indefinitely or for a term fixed, as the case may be, to British vessels coming from the said British colonial possessions and their cargoes, subject to no other or higher duty of tonnage or impost or charge of any description whatever than would be levied on the vessels of the United States or their cargoes arriving from the said British possessions, and that it shall be lawful for the said British vessels to import into the United States and to export therefrom any article or articles which may be imported or exported in vessels of the United States, and that the act entitled "An act concerning navigation," passed on the 18th day of April, one thousand eight hundred and eighteen; an act supplementary thereto passed the fifteenth day of May, one thousand eight hundred and twenty, and an act entitled "An act to regulate the commercial intercourse between the United States and certain British ports," passed on the first day of March, one thousand eight hundred and twenty-three, shall in such case be suspended or absolutely repealed, as the case may require;

And whereas by the said act it is further provided that whenever the ports of the United States shall have been opened under the authority thereby given British vessels and their cargoes shall be admitted to an entry in the ports of the United States from the islands, provinces, or colonies of Great Britain on or near the North American continent and north or east of the United States:

And whereas satisfactory evidence has been received by the President of the United States that whenever he shall give effect to the provisions of the act aforesaid the Government of Great Britain will open for an indefinite period the ports in its colonial possessions in the West Indies, on the continent of South America, the Bahama Islands, the Caicos, and the Bermuda or Somer Islands to the vessels of the United States and their cargoes upon the terms and according to the requisitions of the aforesaid act of Congress:

Now, therefore, I, Andrew Jackson, President of the United States of America, do hereby declare and proclaim that such evidence has been received by me; and that, by the operation of the act of Congress passed on the 29th day of May, 1830, the ports of the United States are, from the date of this proclamation, open to British vessels coming from the said British possessions, and their cargoes, upon the terms set forth in the said act. The act entitled "An act concerning navigation," passed on the 18th day of April, 1818; the act supplementary thereto, passed the 15th day of May, 1820, and the act entitled "An act to regulate the commercial intercourse between the United States and certain British ports," passed the first day of March, 1823, are absolutely repealed, and British vessels and their cargoes are admitted to an entry in the ports of the United States from the islands, Provinces, and colonies of Great Britain on or near the North American continent and north or east of the United States.

Given under my hand, at the city of Washington, the 5th day of October, in the year of our Lord 1830, and the 55th of the Independence of the United States.

ANDREW JACKSON.

By the President:
M. VAN BUREN,
Secretary of State.

CIRCULAR TO THE COLLECTORS OF CUSTOMS.

TREASURY DEPARTMENT, *October 6, 1830.*

SIR: You will perceive by the proclamation of the President herewith transmitted that from and after the date thereof the act entitled "An act concerning navigation," passed on the 18th of April, 1818; an act supplementary thereto, passed the 15th of May, 1820, and an act entitled "An act to regulate the commercial intercourse between the United States and certain British ports," passed on the 1st of March, 1823, are absolutely repealed; and the ports of the United States are opened to British vessels and their cargoes coming from the British colonial possessions in the West Indies, on the continent of South America, the Bahama Islands, the Caicos, and the Bermuda or Somer Islands; also from the islands, Provinces, or colonies of Great Britain on or near the North American continent and north or east of the United States.

By virtue of the authority of this proclamation, and in conformity with the arrangement made between the United States and Great Britain, and under the sanction of the President, you are instructed to admit to entry such vessels, being laden with the productions of Great Britain, or her said colonies, subject to the same duties of tonnage and impost and other charges as are levied on the vessels of the United States or their cargoes arriving from the said British colonies. You will also grant clearances to British vessels for the several ports of the aforesaid colonial possessions of Great Britain, such vessels being laden with such articles as may be exported from the United States in vessels of the United States; and British vessels coming from the said British colonial possessions may also be cleared for foreign ports and places other than those in the said British colonial possessions, being laden with such articles as may be exported from the United States in vessels of the United States.

I am, sir, very respectfully, your obedient servant,

S. D. INGHAM,
Secretary of the Treasury.

APPENDIX B.

ORDER IN COUNCIL.

AT THE COURT AT ST. JAMES,
November 5, 1830.

Present: The King's Most Excellent Majesty in Council.

Whereas by a certain act of Parliament, passed in the 6th year of the reign of his late Majesty King George the Fourth, entitled "An act to regulate the trade of the British possessions abroad," after reciting that "by the law of navigation foreign ships are permitted to import into any of the British possessions abroad, from the countries to which they belong, goods the produce of those countries, and to export goods from such possessions to be carried to any foreign country whatever, and that it is expedient that such permission should be subject to certain conditions, it is therefore enacted that the privileges thereby granted to foreign ships shall be limited to the ships of those countries which, having colonial possessions, shall grant the like privilege of trading with these possessions to British ships, or which, not having colonial possessions, shall place the commerce and navigation of this country and of its possessions abroad upon the footing of the most favored nation, unless His Majesty, by his order in council, shall in any case deem it expedient to grant the whole or any of such privileges to the ships of any foreign country, although the conditions aforesaid shall not in all respects be fulfilled by such foreign country.

And whereas by a certain order of his said late Majesty in council, bearing date the 27th July, 1826, after reciting that the conditions mentioned and referred to in the said act of Parliament had not in all respects been fulfilled by the Government

of the United States of America, and that, therefore, the privileges so granted as aforesaid by the law of navigation to foreign ships could not lawfully be exercised or enjoyed by the ships of the United States aforesaid unless His Majesty, by his order in council, should grant the whole or any of such privileges to the ships of the United States aforesaid, his said late Majesty did, in pursuance of the powers in him vested by the said act, grant the privileges aforesaid to the ships of the said United States, but did thereby provide and declare that such privileges should absolutely cease and determine in His Majesty's possessions in the West Indies and South America, and in certain other of His Majesty's possessions abroad, upon and from certain days in the said order for that purpose appointed, and which are long since passed:

And whereas by a certain other order of his said late Majesty in council, bearing date the 16th of July, 1827, the said last-mentioned order was confirmed;

And whereas, in pursuance of the acts of Parliament in that behalf made and provided, his said late Majesty, by a certain order in council bearing date the 21st day of July, 1823, and by the said order in council bearing date the 27th day of July, 1826, was pleased to order that there should be charged on all vessels of the said United States which should enter any of the ports of His Majesty's possessions in the West Indies or America, with articles of the growth, produce, or manufacture of the said States, certain duties of tonnage and of customs therein particularly specified;

And whereas it hath been made to appear to His Majesty in council that the restrictions heretofore imposed by the laws of the United States aforesaid, upon British vessels navigating between the said States and His Majesty's possessions in the West Indies and America, have been repealed, and that the discriminating duties of tonnage and of customs heretofore imposed by the laws of the said United States upon British vessels and their cargoes, entering the ports of the said States from His Majesty's said possessions, have also been repealed; and that the ports of the United States are now open to British vessels and their cargoes coming from His Majesty's possessions aforesaid;

His Majesty doth, therefore, with the advice of his privy council, and in pursuance and exercise of the powers so vested in him, as aforesaid, by the said act so passed in the sixth year of the reign of his said late Majesty, or by any other act or acts of Parliament, declare that the said recited orders in council of the 21st day of July, 1823, and of the 27th day of July, 1826, and the said order in council of the 16th day of July, 1827 (so far as the such last-mentioned order relates to the said United States), shall be, and the same are hereby, respectively revoked;

And His Majesty doth further, by the advice aforesaid, and in pursuance of the powers aforesaid, declare that the ships of and belonging to the United States of America may import from the United States aforesaid into the British possessions abroad goods the produce of those States, and may export goods from the British possessions abroad to be carried to any foreign country whatever.

And the right honorable the lords commissioners of His Majesty's treasury, and the Right Honorable Sir George Murray, one of His Majesty's principal secretaries of state, are to give the necessary directions herein, as to them may respectively appertain.

JAS. BULLER.

A true copy.

COUNCIL OFFICE, WHITEHALL, Nov. 6th, 1830.

APPENDIX C.

Being a statement of the persons employed by the United States in conducting negotiations since 1789.

Name.	When appointed.	By whom.	Rank.	Purposes.	Other office held at same time.
G. Morris	Oct. 13, 1789	President	Private agent	To ascertain intentions of Great Britain as to treaty of 1778, and making a treaty of commerce.	None.
William Carmichael..... William Short.....	Mar. 18, 1792	President and Senate.	Commissioners plenipotentiary.	To treat with Spain as to Mississippi, boundaries, and commerce.	Chargé d'affaires in Spain. Minister resident in Netherlands.
John Paul Jones.....	June —, 1792	President	Commissioner	To treat with Algiers (1) for peace and friendship; (2) for ransom of captive United States citizens.	Admiral U. S. Navy.
David Humphreys	Mar. 26, 1793	.....do	Commissioner plenipotentiary.	Same as preceding	Minister resident in Portugal.
John Jay.....	Apr. 19, 1794	President and Senate	Envoy extraordinary	To treat with Great Britain as to all matters of difference, viz. (1) non-execution of treaty of 1783; (2) restitution or compensation to citizens of United States for seizure of their vessels under British instructions of June 6, 1793, etc.; (3) commerce.	Envoy extraordinary to Great Britain.
William Short.....	July 11, 1794	President	Commissioner plenipotentiary.	To treat with Spain as to Mississippi, boundaries, and commerce.	Minister resident in Spain.
Thomas Pinckney.....	Nov. 24, 1794	President and Senate.	Envoy extraordinary and sole commissioner plenipotentiary.	(1) Same as above; (2) to treat for restitution or compensation for American vessels seized by Spanish armed vessels.	Envoy extraordinary to Spain.
David Humphreys	Mar. 30, 1795	President	Commissioner plenipotentiary.	To conclude treaties of amity and commerce with Tunis, Tripoli, and Morocco.	Minister resident in Portugal.
Rufus King.....	June 10, 1796	President and Senate	Minister plenipotentiary	To conclude a treaty of commerce with Great Britain, and to modify or extend Jay's treaty.	Minister plenipotentiary to Great Britain.
John Quincy Adams	June 1, 1797	.....do .....	.....do	To renew and modify the treaty of amity and commerce with Prussia.	Minister plenipotentiary to Prussia.
John Quincy Adams .....	.....do .....	.....do .....	.....do	To renew and modify the treaty of amity and commerce with Sweden.	Do.
C. C. Pinckney..... John Marshall..... Elbridge Gerry.....	June 22, 1797	.....do	Envoys extraordinary and ministers plenipotentiary (jointly and severally).	To conclude a treaty with France in settlement of claims and all matters of difference, and also a treaty of commerce.	Envoys extraordinary and ministers plenipotentiary to France (jointly and severally).
Rufus King.....	Jan. 3, 1798	President	Minister plenipotentiary	To conclude an additional article of the treaty of amity, commerce, and navigation (1794), modifying Article V thereof.	Minister plenipotentiary to Great Britain.
John Quincy Adams	Mar. 14, 1798	President and Senate.	Commissioner	To conclude a treaty of amity and commerce with Sweden.	Minister plenipotentiary to Prussia.

Statement of the persons employed by the United States in conducting negotiations since 1789—Continued.

Name.	When appointed.	By whom.	Rank.	Purposes.	Other office held at same time.
Richard O'Brien	Dec. 18, 1798	President		{To conclude a treaty with Tunis modifying the treaty of 1797.	{Consul-general at Algiers. Consul at Tunis. Consul at Tripoli.
William Eaton					
James L. Cathcart					
Rufus King	Feb. 7, 1799	President and Senate	Minister plenipotentiary	To negotiate a treaty of amity and commerce with Russia.	Minister plenipotentiary to Great Britain.
Oliver Ellsworth	Feb. 26, 1799	.....do.....	{Envoy extraordinary and minister plenipotentiary.	{To settle by treaty "all controversies between the United States and France."	{Chief Justice of the Supreme Court of the United States. (None.) Minister resident in Netherlands. Governor of North Carolina.
Patrick Henry					
William Vans Murray					
William R. Davie	June 1, 1799	President .....	.....do.....	To take the place of Patrick Henry on the above commission.	
William R. Davie	Dec. 10, 1799	President and Senate	.....do.....	Same as preceding	
Rufus King	Dec. 31, 1799	President	Minister plenipotentiary	To conclude an additional article or articles to explain or modify Article VI of the treaty of 1794 with Great Britain.	Minister plenipotentiary to Great Britain.
Rufus King	June 10, 1802	.....do.....	.....do.....	To conclude an additional article or articles to Article II of the treaty of 1783 with Great Britain, relative to boundaries.	Do.
James Monroe	Jan. 12, 1803	President and Senate	{Envoy extraordinary and minister plenipotentiary. Minister plenipotentiary. (Jointly or severally in case of the death of one.)	{To conclude a treaty for the cession of Louisiana.	{(None.) Minister plenipotentiary to France.
Robert R. Livingston					
Rufus King					
Rufus King	Jan. 25, 1803	President and Senate	Minister plenipotentiary	To conclude a treaty defining the northeast boundary of the United States.	Minister plenipotentiary to Great Britain.
James Monroe	Oct. 14, 1804	President	Minister extraordinary and plenipotentiary.	To conclude a treaty with Spain relative to the boundaries of Louisiana; the cession of any other adjoining territory eastward thereof; the convention concluded August 11, 1802, between the United States and Spain; and claims of the citizens of either country against the other.	Do.
John Armstrong	Mar. 17, 1806	President and Senate	{Commissioners plenipotentiary and extraordinary (jointly and severally).	{To conclude a treaty with Spain concerning boundaries and wrongful captures, condemnations and injuries inflicted by either on the citizens or subjects of the other. To conclude a treaty settling all matters of difference between the United States and Great Britain "relative to wrongs committed between the parties on the high seas, or other waters, and for establishing the principles of navigation and commerce between them."	{Minister plenipotentiary to France. Minister plenipotentiary to Spain.
James Bowdoin					
James Monroe					
William Pinkney	May 12, 1806	President .....	.....do.....		Minister plenipotentiary to Great Britain.

Albert Gallatin.....	Apr. 17, 1813	do.....	{ Envoy extraordinary and minister plenipotentiary (jointly and severally).	To conclude a treaty of peace and friendship with Great Britain under the mediation of Russia; also to conclude a treaty of commerce.	{ Secretary of the Treasury. Minister plenipotentiary to Russia.
John Quincy Adams					
James A. Bayard					
Albert Gallatin.....	Apr. 22, 1813	do.....	do.....	To conclude a treaty of commerce with Russia.	Same as above.
J. Q. Adams.....					
J. A. Bayard					
J. Q. Adams.....	Jan. 18, 1814	President and Senate.	{ Minister plenipotentiary and extraordinary (jointly and severally).	To conclude a treaty of commerce with Great Britain and a treaty of peace and friendship.	{ Minister plenipotentiary to Russia. Minister plenipotentiary to Sweden.
J. A. Bayard					
Henry Clay.....					
Jonathan Russell.....	Feb. 9, 1814	do.....	Minister plenipotentiary and extraordinary.	To join the preceding commission	
Albert Gallatin.....					
William Shaler	Apr. 9, 1815	President	{ Commissioners (jointly and severally).	To negotiate a treaty of peace and friendship with Algeria.	{ Consul-general at Algiers. Post captain U. S. Navy.
William Bainbridge					Do.
Stephen Decatur					
William Shaler	Aug. 24, 1816	do.....	do.....	{ To negotiate a settlement of existing differences and an annulment of Article XVIII of the treaty of June 30, 1815.	{ Consul-general at Algiers. Captain, U. S. Navy.
Isaac Chauncey					
Albert Gallatin.....	Apr. 5, 1817	do.....	{ Envoy extraordinary and minister plenipotentiary jointly and severally.	To conclude a treaty of commerce with the Netherlands.	{ Envoy extraordinary and minister plenipotentiary to France. Envoy extraordinary and minister plenipotentiary to the Netherlands.
William Eustis					
Richard Rush.....	Oct. 31, 1817	do.....		To conclude a treaty of commerce with Great Britain,	Envoy extraordinary and minister plenipotentiary to Great Britain.
Albert Gallatin.....	May 22, 1818	do.....		{ To renew the convention of July 3, 1815, with Great Britain relative to commerce.	{ Envoy extraordinary and minister plenipotentiary to France. Envoy extraordinary and minister plenipotentiary to Great Britain.
Richard Rush					Secretary of State.
John Quincy Adams	Feb. 16, 1819	do.....		To conclude with Spain a treaty of cession, navigation, commerce, and in settlement of all differences between the two countries.	
Henry Middleton.....	June 6, 1820	do.....		To do any act necessary to give effect to the decision of the Emperor of Russia on the question of the construction of the first article of the treaty of Ghent, referred to him for arbitration under the fifth article of the convention of 1818 by the United States and Great Britain.	Envoy extraordinary and minister plenipotentiary to Russia.
John Quincy Adams	Feb. 20, 1821	do.....		To conclude a treaty of navigation and commerce with France.	Secretary of State.

Statement of the persons employed by the United States in conducting negotiations since 1789—Continued.

Name.	When appointed.	By whom.	Rank.	Purposes.	Other office held at same time.
Henry Dearborn	June 25, 1822	President .....	.....	To conclude a treaty of commerce with Portugal.	Envoy extraordinary and minister plenipotentiary to Portugal.
Hugh Nelson	Apr. 21, 1823	.....do.....	.....	To conclude a treaty of commerce with Spain.	Minister plenipotentiary to Spain.
Cæsar A. Rodney	May 19, 1823	.....do.....	.....	To conclude a treaty of commerce with Buenos Ayres.	Minister plenipotentiary to Buenos Ayres.
Richard C. Anderson	May 22, 1823	.....do.....	.....	To conclude a treaty of commerce with Colombia.	Minister plenipotentiary to Colombia.
Richard Rust	June 27, 1823	.....do.....	.....	To conclude with Great Britain a treaty relative to commerce, the suppression of the slave trade, and the principles of maritime law and neutrality.	Envoy extraordinary and minister plenipotentiary to Great Britain.
Henry Middleton	July 29, 1823	.....do.....	.....	To conclude a treaty with Russia relative to the respective rights and claims of the two countries in respect to navigation, fishery, and commerce on the northwest coast of America; the abolition of the slave trade, and the principles of maritime war and neutrality.	Envoy extraordinary and minister plenipotentiary to Russia.
Heman Allen	Nov. 19, 1823	.....do.....	.....	To conclude a treaty of commerce with Chili.	Minister plenipotentiary to Chili.
James Brown	Dec. 23, 1823	.....do.....	.....	To conclude a claims convention and treaty of commerce with France; also a treaty for the suppression of the African slave trade.	Envoy extraordinary and minister plenipotentiary to France.
Ninian Edwards	Apr. 15, 1824	.....do.....	.....	To conclude a treaty of commerce with Mexico.	Envoy extraordinary and minister plenipotentiary to Mexico.
Joel R. Poinsett	Mar. 14, 1825	.....do.....	.....	To conclude a treaty of commerce and boundaries with Mexico.	Do.
Christopher Hughes	Mar. 24, 1825	Secretary of State .....	.....	To arrange for the settlement of claims of citizens of the United States against Denmark.	Chargé d'affaires in the Netherlands.
A. H. Everett	Apr. 27, 1825	President .....	.....	To conclude a treaty of commerce with Spain, and also a claims convention.	Envoy extraordinary and minister plenipotentiary to Spain.
Rufus King	May 5, 1825	.....do.....	.....	To conclude a claims convention with Great Britain.	Envoy extraordinary and minister plenipotentiary to Great Britain.
John James Appleton	May 12, 1825	Secretary of State .....	.....	To arrange for the settlement of claims of citizens of the United States against the Kingdom of Naples.	None.
Richard C. Anderson	Sept. 16, 1825	President .....	.....	To conclude a treaty of navigation with Colombia.	Minister plenipotentiary to Colombia.

Henry Clay.....	Nov. 22, 1825	do		To conclude a treaty of peace, friendship, commerce, and navigation with the Central Republic of America.	Secretary of State.
Do.....	Apr. 17, 1826	do		To conclude a treaty of peace, friendship, commerce, and navigation with Denmark.	Do.
Albert Gallatin.....	May 10, 1826	do		To conclude with Great Britain a treaty relative to commerce, boundaries, the principles of maritime law and neutrality, and the navigation of the St. Lawrence; and also a claims convention.	Envoy extraordinary and minister plenipotentiary to Great Britain.
Richard C. Anderson.....	May 11, 1826	President and Senate	Envoy extraordinary and minister plenipotentiary (jointly and severally) to the assembly of American nations at Panama	To conclude treaties of "peace, friendship, commerce, navigation, maritime law, neutral and belligerent rights, and all other matters interesting to the American nations" with "the ministers of that assembly duly empowered, from all or any of the nations of America."	Minister plenipotentiary to Colombia. (None.)
John Sergeant.....				To conclude a treaty of commerce and navigation with Sweden.	
John James Appleton.....	Jan. 23, 1827	President		To take the place of Richard C. Anderson (deceased) at that assembly.	Chargé d'affaires in Sweden.
Joel R. Poinsett.....	Feb. 12, 1827	President and Senate	Envoy extraordinary and minister plenipotentiary to the assembly of American ministers.		Envoy extraordinary and minister plenipotentiary to Mexico.
Henry Wheaton.....	June 8, 1827	President		To conclude a claims convention with Denmark.	Chargé d'affaires in Denmark.
William Tudor.....	Nov. 1, 1827	do		To conclude a claims convention with Brazil.	Chargé d'affaires in Brazil.
Henry Clay.....	Nov. 26, 1827	do		To conclude a treaty of commerce and navigation with the Hanseatic Cities of Lubeck, Bremen, and Hamburg.	Secretary of State.
William Tudor.....	Mar. 29, 1828	do		To conclude a treaty of commerce and navigation with Brazil.	Chargé d'affaires in Brazil.
James Cooley.....	Apr. 8, 1828	do		To conclude a treaty of commerce and navigation with Peru.	Chargé d'affaires in Peru.
Henry Clay.....	Apr. 18, 1828	do		To conclude a treaty of peace, friendship, commerce, and navigation with Prussia.	Secretary of State.
James Barbour.....	July 15, 1828	do		To conclude a treaty of commerce and navigation with Great Britain.	Envoy extraordinary and minister plenipotentiary to Great Britain.
William H. Harrison.....	Oct. 1, 1828	do		To conclude a treaty of commerce and claims convention with Colombia.	Envoy extraordinary and minister plenipotentiary to Colombia.
Henry Clay.....	Oct. 24, 1828	do		To conclude a treaty of commerce and navigation with Austria.	Secretary of State.
Samuel Larned.....	Dec. 29, 1828	do		To conclude a treaty of commerce and navigation with Peru.	Chargé d'affaires in Peru.
Do.....	Jan. 1, 1829	do		To conclude a treaty of commerce with Chili.	Do.
Thomas P. Moore.....	June 9, 1829	do		To conclude a treaty of commerce and a claims convention with Colombia.	Envoy extraordinary and minister plenipotentiary to Colombia.

Statement of the persons employed by the United States in conducting negotiations since 1789—Continued.

Name.	When appointed.	By whom.	Rank.	Purposes.	Other office held at same time.
William C. Rives.....	June 10, 1829	President .....	.....	To conclude a claims convention and a treaty of commerce with France.	Envoy extraordinary and minister plenipotentiary to France.
Louis McLane.....	June 10, 1829	do .....	.....	To conclude a treaty of commerce and navigation with Great Britain.	Envoy extraordinary and minister plenipotentiary to Great Britain.
Martin Van Buren	Aug. 11, 1829	do .....	.....	To conclude a treaty of commerce and navigation with Austria.	Secretary of State.
Joel R. Poinsett	Aug. 25, 1829	do .....	.....	To conclude a treaty of boundaries and cession with Mexico.	Envoy extraordinary and minister plenipotentiary to Mexico.
Charles Rhind.....	Sept. 12, 1829	do	Commissioners	To conclude a treaty of friendship and commerce with Turkey.	None.
David Offley.....		do			Consul at Smyrna.
James Biddle.....		do			Commodore, U. S. Navy.
C. P. Van Ness.....	Oct. 1, 1829	do .....	.....	To conclude a treaty of commerce and a claims convention with Spain.	Envoy extraordinary and minister plenipotentiary to Spain.
William P. Preble.....	Oct. 1, 1829	do .....	.....	To conclude a treaty of commerce and navigation with the Netherlands.	Envoy extraordinary and minister plenipotentiary to the Netherlands.
Anthony Butler.....	Oct. 17, 1829	do .....	.....	To conclude (1) a treaty of commerce and boundaries; and (2) a treaty of cession with Mexico.	Chargé d'affaires in Mexico.
Emanuel I. West	Oct. 23, 1829	do .....	.....	To conclude a treaty of commerce and navigation with Peru.	Chargé d'affaires in Peru.
John Randolph, of Roanoke.	June 18, 1830	do .....	.....	To conclude with Russia treaties relative to (1) the principles of maritime war and neutrality; and (2) commerce and navigation.	Envoy extraordinary and minister plenipotentiary to Russia.
John Hamm.....	Oct. 15, 1830	do .....	.....	To conclude a treaty of commerce and navigation and a claims convention with Chili.	Chargé d'affaires in Chili.
Ethan A. Brown.....	Oct. 15, 1830	do .....	.....	To conclude a treaty of commerce and navigation and a claims convention with Brazil.	Chargé d'affaires in Brazil.
Henry Wheaton.....	Feb. 8, 1831	do .....	.....	To receive from Denmark moneys due under Article II of the convention of March 28, 1830.	Chargé d'affaires in Denmark.
William C. Rives	Mar. 18, 1831	do .....	.....	To conclude a claims convention and a treaty of commerce with France.	Envoy extraordinary and minister plenipotentiary to France.
Martin Van Buren.....	Aug. 1, 1831	do .....	.....	To conclude a treaty of commerce and navigation with Great Britain.	Envoy extraordinary and minister plenipotentiary to Great Britain.

John Nelson.....	Oct. 24, 1831	do		To conclude a treaty of commerce and claims with the Kingdom of the Two Sicilies.	Charge d'affaires in the Kingdom of the Two Sicilies.
Edmund Roberts.....	Jan. 26, 1832	do	Commissioner	To conclude treaties of navigation and commerce with Cochin China, Siam, and Muscat.	(None.)
Francis Baylies.....	Feb. 14, 1832	do		To conclude a treaty of commerce and navigation with Buenos Ayres.	Chargé d'affaires in Buenos Ayres.
Auguste Davezac.....	Mar. 1, 1832	do		To conclude a treaty of amity, commerce, and navigation with the Netherlands.	Charge d'affaires in the Netherlands.
William C. Rives.....	Mar. 13, 1832	do		To conclude a treaty of amity, commerce, and navigation with Saxony.	Envoy extraordinary and minister plenipotentiary to France.
James Buchanan.....	Mar. 26, 1832	do		To conclude with Russia treaties concerning (1) the principles of maritime war and neutrality, and (2) commerce and navigation.	Envoy extraordinary and minister plenipotentiary to Russia.
Edward Livingston.....	July 13, 1832	do		To conclude a treaty of amity, commerce, and navigation with Belgium.	Secretary of State.
Auguste Davezac.....	Jan. 30, 1833	do		To conclude a treaty of commerce with the Kingdom of the Two Sicilies.	Chargé d'affaires in the Netherlands.
Charles G. Dewitt.....	Mar. 9, 1833	do		To conclude a treaty "concerning certain principles for the guidance of nations at war with each other" with the Republic of Central America.	Charge d'affaires in the Republic of Central America.
Robert B. McAfee.....	Mar. 30, 1833	do		To conclude a treaty of amity, commerce, and navigation with New Granada.	Chargé d'affaires in New Granada.
Edward Livingston.....	June 4, 1833	do		To conclude a treaty of commerce and navigation with France.	Envoy extraordinary and minister plenipotentiary to France.
Cornelius P. Van Ness.....	Dec. 5, 1833	do		To conclude a treaty of commerce and a claims convention with Spain.	Envoy extraordinary and minister plenipotentiary to Spain.
Anthony Butler.....	Jan. 16, 1834	do		To conclude an additional article to the treaty of limits of January 12, 1828, with Mexico, to extend the time for the meeting of commissioners to survey the boundary.	Charge d'affaires in Mexico.
Edward Livingston.....	Apr. 30, 1834	do		To conclude a treaty with the Swiss Confederacy concerning the succession to real and personal estate.	Envoy extraordinary and minister plenipotentiary to France.
Mahlon Dickerson.....	June 7, 1834	do		To conclude a treaty of navigation and commerce with Russia.	Envoy extraordinary and minister plenipotentiary to Russia.
William Hunter.....	July 3, 1834	do		To conclude a treaty of commerce and navigation and a claims convention with Brazil.	Chargé d'affaires in Brazil.
William Wilkins.....	July 22, 1834	do		To conclude a treaty of navigation and commerce with Russia.	Envoy extraordinary and minister plenipotentiary to Russia.
Edmund Roberts.....	Mar. 20, 1835	do		To conclude treaties of friendship, navigation, and commerce with Viet Nam and Japan.	

Statement of the persons employed by the United States in conducting negotiations since 1789—Continued.

Name.	When appointed.	By whom.	Rank.	Purposes.	Other office held at same time.
J. G. A. Williamson.....	Mar. 21, 1835	President		To conclude a treaty of commerce and navigation and a claims convention with Venezuela.	Chargé d'affaires in Venezuela.
I. R. Leit	July 4, 1835	do	Agent	To conclude a treaty of commerce and navigation with Morocco.	Consul at Tangier.
Henry Wheaton.....	Mar. 16, 1836	do		To conclude with Saxony, Bavaria, Württemberg, Hesse-Cassel, and Baden, or any or either of them, treaties relative to emigration, succession to property, consuls, etc.	Chargé d'affaires in Prussia.
Andrew Stevenson.....	Apr. 1, 1836	do		To conclude a treaty of navigation and commerce with Great Britain.	Envoy extraordinary and minister plenipotentiary to Great Britain.
R. B. McAfee.....	Apr. 1, 1836	do		To conclude a treaty of commerce and claims with Ecuador.	Chargé d'affaires in New Granada.
James B. Thornton.....	July 7, 1836	do		To conclude a treaty of commerce and claims with Peru and Bolivia.	Chargé d'affaires in Peru.
Lewis Cass.....	Oct. 4, 1836	do		To conclude a treaty of navigation and commerce with France.	Envoy extraordinary and minister plenipotentiary to France.
George M. Dallas.....	Mar. 20, 1837	do		To conclude a treaty of commerce and navigation with Russia.	Envoy extraordinary and minister plenipotentiary to Russia.
Henry Wheaton.....	Mar. 28, 1837	do		To conclude a treaty of commerce and navigation with Prussia.	Envoy extraordinary and minister plenipotentiary to Prussia.
Do	June 7, 1837	do		To conclude a treaty for the removal or modification of restrictions on trade with any state or states of Germany except Austria.	Do.
Andrew Stevenson.....	Nov. 7, 1837	do		To conclude a treaty of commerce and navigation with Great Britain.	Envoy extraordinary and minister plenipotentiary to Great Britain.
Henry Wheaton.....	Dec. 15, 1837	do		To conclude a treaty of commerce and navigation with Hanover, Oldenburg, Brunswick, or any state or states that may join the commercial and customs union.	Envoy extraordinary and minister plenipotentiary to Prussia.
James Semple	Jan. 9, 1838	do		To conclude a treaty of commerce and navigation with New Granada.	Chargé d'affaires in New Granada.
Henry Wheaton.....	Feb. 9, 1838	do		To conclude a treaty of commerce and navigation with Prussia and the other German states associated with her in a commercial or customs union.	Envoy extraordinary and minister plenipotentiary to Prussia.

C. G. De Witt, and in case of his death or absence, Charles Savage.	Mar. 27, 1838	do	To conclude a treaty of commerce and navigation with Central America.	Chargé d'affaires in Central America.
Henry A. Muhlenberg	Apr. 11, 1838	do	To conclude a treaty of navigation and commerce with Austria.	Consul at Guatemala. Envoy extraordinary and minister plenipotentiary to Austria.
John Forsyth	Apr. 13, 1838	do	To conclude a boundary treaty with Texas.	Secretary of State.
Alcée La Branche	Apr. 28, 1838	do	To conclude a claims convention with Texas.	Chargé d'affaires in Texas.
Nathaniel Niles	May 3, 1838	do	To conclude a treaty with Sardinia relative to the tobacco trade and to commerce.	Special agent to Sardinia.
John Forsyth	June 14, 1838	do	To conclude a treaty of peace, friendship, commerce and navigation with the Netherlands.	Secretary of State.
James C. Pickett	June 15, 1838	do	To conclude (1) a treaty of amity, commerce, and navigation with Ecuador; (2) a treaty of commerce and a claims convention with Peru Bolivia.	Chargé d'affaires in the Peru-Bolivian Confederation.
John Forsyth	July 19, 1838	do	To conclude a treaty with Mexico for the reference of claims of United States citizens against Mexico to the umpirage of the King of Prussia.	Secretary of State.
Do	July 19, 1838	do	To conclude a treaty with Great Britain relative to the northeastern boundary of the United States.	Do.
James Semple	Feb. 4, 1839	do	To conclude a claims convention with New Granada.	Chargé d'affaires in New Granada.
John Forsyth	Mar. 18, 1839	do	To conclude a claims convention with Mexico.	Secretary of State.
Powhatan Ellis	May 3, 1839	do	To conclude a treaty of navigation and commerce and a claims convention with Mexico.	Envoy extraordinary and minister plenipotentiary to Mexico.
Powhatan Ellis	Feb. 29, 1840	do	To conclude an additional article to the claims convention of April 11, 1839, with Mexico, extending the time for its ratification.	Envoy extraordinary and minister plenipotentiary to Mexico.
Allen A. Hall	July 1, 1841	do	To conclude a claims convention with Venezuela.	Chargé d'affaires in Venezuela.
Daniel Jenifer	Sept. 1, 1841	do	To conclude a treaty of commerce and navigation with Austria.	Envoy extraordinary and minister plenipotentiary to Austria.
William Boulware	Sept. 17, 1841	do	To conclude a treaty of commerce and navigation with the kingdom of the Two Sicilies.	Chargé d'affaires in the Kingdom of the Two Sicilies.
John S. Pendleton	Nov. 30, 1841	do	To conclude a claims convention with Chili.	Chargé d'affaires in Chili.
Washington Irving	Mar. 22, 1842	do	To conclude a treaty of commerce and navigation with Spain.	Envoy extraordinary and minister plenipotentiary to Spain.
William M. Blackford	May 17, 1842	do	To conclude a treaty of commerce and navigation with New Granada.	Chargé d'affaires in New Granada.

Statement of the persons employed by the United States in conducting negotiations since 1789—Continued.

Name.	When appointed.	By whom.	Rank.	Purposes.	Other office held at same time.
Daniel Webster	July 30, 1842	President		To conclude a traité of peace, friendship, commerce, and navigation with Texas.	Secretary of State.
Daniel Webster	Aug. 1, 1842	.....do		To settle by treaty all matters in controversy or discussion between the United States and Great Britain.	Secretary of State.
Waddy Thompson	Oct. 12, 1842	.....do		To conclude a claims convention with Mexico.	Envoy extraordinary and minister plenipotentiary to Mexico.
John S. Pendleton	Jan. 14, 1843	.....do		To conclude a claims convention with Chili.	Chargé d'affaires in Chili.
Henry Wheaton	Mar. 16, 1843	.....do		To conclude an extradition treaty with Prussia and the States composing the German customs union, or any of them.	Envoy extraordinary and minister plenipotentiary to Prussia.
George H. Proffit	July 25, 1843	.....do		To conclude a treaty of commerce and navigation and a claims convention with Brazil.	Envoy extraordinary and minister plenipotentiary to Brazil.
Waddy Thompson	July 25, 1843	.....do		To conclude a claims convention with Mexico.	Envoy extraordinary and minister plenipotentiary to Mexico.
Allen A. Hall	Aug. 9, 1843	.....do		To conclude a treaty of commerce and navigation with Venezuela.	Chargé d'affaires in Venezuela.
William M. Blackford	Aug. 12, 1843	.....do		To conclude claims conventions with Ecuador.	Chargé d'affaires in New Granada.
Edward Everett	Oct. 9, 1843	.....do		To conclude a treaty relative to the boundary between the United States and the possessions of Great Britain, between the Rocky Mountains and the Pacific Ocean.	Envoy extraordinary and minister plenipotentiary to Great Britain.
Abel P. Upshur	Oct. 24, 1843	.....do		To conclude an extradition treaty with France.	Secretary of State.
Henry Wheaton	Nov. 18, 1843	.....do		(1) To conclude treaties of commerce and navigation with Mecklenburg-Schwerin and Oldenburg; (2) to conclude treaties relative to emigration, succession to property, consuls, etc., with Saxony, Bavaria, Wurtemberg, Hesse, and Baden.	Envoy extraordinary and minister plenipotentiary to Prussia.
Do.....	Dec. 7, 1843	.....do		To conclude a treaty of navigation and commerce with Prussia, and the German States joined with her in a commercial and customs union.	Envoy extraordinary and minister plenipotentiary to Prussia.
Waddy Thompson, or in his absence Benjamin E. Green.	Feb. 15, 1844	.....do		To obtain the consent of the Mexican Government to modifications introduced by the Senate into the convention of November 20, 1843.	Envoy extraordinary and minister plenipotentiary to Mexico. Secretary of legation in Mexico.

John C. Calhoun	Apr. 5, 1844	do.		To conclude a treaty for the annexation of Texas.	Secretary of State.
Do	Apr. 12, 1844	do.		To conclude an extradition treaty with France.	Do.
Henry A. Wise	May 25, 1844	do.		To conclude a treaty of commerce and navigation and a claims convention with Brazil.	Envoy extraordinary and minister plenipotentiary to Brazil.
Wilson Shannon	June 17, 1844	do.		To conclude conventions relative to claims and boundaries with Mexico.	Envoy extraordinary and minister plenipotentiary to Mexico.
William Brent	June 28, 1844	do.		To conclude a treaty of commerce and a claims convention with the Argentine Confederation.	Chargé d'affaires in the Argentine Confederation.
William Crump	July 1, 1844	do.		To conclude a claims convention with Chili.	Chargé d'affaires in Chili.
William R. King	July 24, 1844	do.		To conclude an extradition treaty with the Swiss Confederacy.	Envoy extraordinary and minister plenipotentiary to France.
Caleb Cushing	Aug. 14, 1844	do.		To conclude a treaty of commerce and navigation with Japan.	Commissioner to China.
John A. Bryan	Aug. 24, 1844	do.		To conclude a claims convention with Peru.	Chargé d'affaires in Peru.
Vespasian Ellis	Oct. 12, 1844	do.		To conclude a claims convention with Venezuela.	Chargé d'affaires in Venezuela.
Delazon Smith	Dec. 31, 1844	do.		To conclude a claims convention with Ecuador.	Special agent to Ecuador.
George Brown	Jan. 10, 1845	do.		To conclude a treaty of peace, friendship, and commerce with Hawaii.	Commissioner to Hawaii.
William H. Polk	Mar. 17, 1845	do.		To conclude a treaty of commerce and navigation with the Kingdom of the Two Sicilies.	Charge d'affaires in the Kingdom of the Two Sicilies.
Benjamin G. Shields	Mar. 24, 1845	do.		To conclude a claims convention with Venezuela.	Chargé d'affaires in Venezuela.
Alexander H. Everett	Apr. 16, 1845	do.		To conclude a treaty of navigation and commerce with Japan.	Commissioner to China.
Benjamin A. Bidlack	May 30, 1845	do.		To conclude a claims convention with New Granada.	Chargé d'affaires in New Granada.
Anthony Ten Eyck	Sept. 10, 1845	do.		To conclude a treaty of peace, friendship, and commerce with Hawaii.	Commissioner to Hawaii.
Thomas G. Clemson	Sept. 15, 1845	do.		To conclude a treaty of commerce and navigation with Belgium.	Chargé d'affaires in Belgium.
John Slidell	Nov. 10, 1845	do.		To conclude a treaty of commerce and boundaries with Mexico.	Envoy extraordinary and minister plenipotentiary to Mexico.
A. Dudley Mann	Mar. 23, 1846	do.	Special agent to Hanover, Oldenburg, Mecklenburg-Schwerin and Mecklenburg-Strelitz.	To conclude with Hanover, Oldenburg, Mecklenburg-Schwerin, and Mecklenburg-Strelitz treaties of commerce and navigation.	None.
William A. Harris	Mar. 30, 1846	do.		To conclude a treaty of commerce and navigation with the Argentine Confederation.	Chargé d'affaires in the Argentine Confederation.

Statement of the persons employed by the United States in conducting negotiations since 1789—Continued.

Name.	When appointed.	By whom.	Rank.	Purposes.	Other office held at same time.
James Buchanan	June 13, 1846	President .....	.....	To conclude a treaty relative to the boundary between the United States and the possessions of Great Britain west of the Rocky Mountains.	Secretary of State.
Benjamin A. Bidlack	Dec. 29, 1846	do .....	.....	To conclude a treaty of commerce and navigation with New Granada.	Chargé d'affaires in New Granada.
Nicholas P. Trist	Apr. 17, 1847	do	Commissioner	To conclude a treaty of peace, friendship, limits, and claims with Mexico.	Chief clerk of the Department of State.
James Buchanan	May 18, 1847	do .....	.....	To conclude a treaty relative to the succession to property with the Swiss Confederacy.	Secretary of State.
David Tod	June 9, 1847	do .....	.....	To conclude a treaty relative to commerce and claims with Brazil.	Envoy extraordinary and minister plenipotentiary to Brazil.
Seth Barton	Jan. 7, 1848	do .....	.....	To conclude a claims convention with Chili.	Chargé d'affaires in Chili.
James Buchanan	Feb. 1, 1848	do .....	.....	To conclude treaty of peace, friendship, commerce, and navigation with Peru.	Secretary of State.
Ambrose H. Sevier	Mar. 22, 1848	do	Commissioners (jointly and severally)	To conclude with Mexico a treaty modifying the treaty of Guadalupe-Hidalgo.	Commissioners (with the rank of envoy extraordinary and minister plenipotentiary) to Mexico.
Nathan Clifford					
John Appleton	Apr. 25, 1848	do .....	.....	To conclude a treaty of commerce and navigation with Bolivia.	Chargé d'affaires in Bolivia.
James Buchanan	Apr. 28, 1848	do .....	.....	To conclude with Austria a treaty extending certain stipulations of the treaty of 25th August, 1829.	Secretary of State.
Vanbrugh Livingston	May 2, 1848	do .....	.....	To conclude a claims convention with Ecuador.	Chargé d'affaires in Ecuador.
Elijah Hise	June 3, 1848	do .....	.....	(1) To conclude a treaty of commerce and claims with Guatemala; (2) to conclude a treaty of commerce with San Salvador.	Chargé d'affaires in Guatemala.
R. M. Saunders	June 17, 1848	do .....	.....	To conclude with Spain a treaty for the cession of Cuba and its dependencies, including the island of Pines.	Envoy extraordinary and minister plenipotentiary to Spain.
R. P. Flenniken	Oct. 14, 1848	do .....	.....	To conclude with Denmark a treaty relative to commerce and navigation and to "the Sound and Belt duties."	Chargé d'affaires in Denmark.
George Bancroft	Jan. 8, 1849	do .....	.....	To conclude a postal convention with Great Britain and France.	Envoy extraordinary and minister plenipotentiary to Great Britain.
Richard Rush					Envoy extraordinary and minister plenipotentiary to France.

Charles Eames	Feb. 10, 1849	do		To conclude a treaty of commerce with Hawaii.	Commissioner to Hawaii.
E. G. Squier	Apr. 24, 1849	do		To conclude a treaty of commerce and claims with Guatemala, San Salvador, Nicaragua, Honduras, and Costa Rica.	Chargé d'affaires in Guatemala, San Salvador, Nicaragua, Honduras, and Costa Rica.
Benjamin E. Green	June 13, 1849	do	Special agent in Hayti and the Dominican Republic.	To conclude a treaty of commerce with (1) Hayti; (2) the Dominican Republic.	None.
A. Dudley Mann	June 18, 1849	do	Special and confidential agent to Hungary.	To conclude a treaty with Hungary on "all matters and subjects interesting to both nations."	None.
A. K. McClung	June 23, 1849	do		To conclude a treaty of commerce with Bolivia.	Chargé d'affaires in Bolivia.
John T. Van Allen	July 5, 1849	do		To conclude a claims convention with Ecuador.	Chargé d'affaires in Ecuador.
Balie Peyton	Aug. 6, 1849	do		To conclude a treaty of commerce, navigation, and claims with Chili.	Envoy extraordinary and minister plenipotentiary to Chili.
R. P. Letcher	Sept. 17, 1849	do		To conclude a treaty with Mexico "concerning a road, railroad, or canal across the Isthmus of Tehuantepec."	Envoy extraordinary and minister plenipotentiary to Mexico.
Joseph Balestier	Aug. 16, 1849	do		(1) To conclude with Siam a revision of the treaty of March 20, 1833, or any other convention of friendship, navigation, and commerce; (2) to conclude a treaty of friendship, commerce, and navigation with Anam; (3) to conclude a treaty of friendship, commerce, and navigation with Bruni.	Consul at Singapore.
Thomas M. Foote	Dec. 11, 1849	do		To conclude a treaty modifying the postal convention of March 6, 1844, with New Granada.	Chargé d'affaires in New Granada.
J. R. Steele	Jan. 4, 1850	do		To conclude a claims convention with Venezuela.	Chargé d'affaires in Venezuela.
John M. Clayton	Mar. 1, 1850	do		To conclude a consular convention with New Granada.	Secretary of State.
Do	Apr. 6, 1850	do		To conclude a treaty with Great Britain relative to the Nicaragua Canal, the States of Central America and the Mosquito coast.	Do.
A. Dudley Mann	June 15, 1850	do	Special agent to the Swiss Confederation.	To conclude with the Swiss Confederation a treaty "concerning all matters and subjects interesting to both nations."	None.
George P. Marsh	June 28, 1850	do		To conclude a treaty of commerce and navigation with Turkey.	Minister resident in Turkey.
John M. Clayton	July 13, 1850	do		To conclude a treaty of commerce with Peru.	Secretary of State.
Do	July 19, 1850	do		To conclude an extradition treaty with Mexico.	Do.
John R. Clay	Jan. 6, 1851	do		To conclude a treaty of commerce with Peru.	Chargé d'affaires in Peru.
Daniel Webster	Feb. 24, 1851	do		To conclude a claims convention with Portugal.	Secretary of State.

Statement of the persons employed by the United States in conducting negotiations since 1789—Continued.

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GREAT BRITAIN, FISHERIES.

Name.	When appointed.	By whom.	Rank.	Purposes.	Other office held at same time.
Charles B. Haddock	Mar. 21, 1851	President .....	.....	To agree with Portugal upon the umpire provided for in the convention of February 26, 1851.	Chargé d'affaires in Portugal.
John S. Pendleton	Apr. 21, 1851	do .....	.....	To conclude a treaty of commerce and claims with the Argentine Confederation.	Chargé d'affaires in the Argentine Confederation.
Yelverton P. King	do	do .....	.....	(1) To conclude a claims convention with New Granada; (2) to negotiate a modification of the postal convention with New Granada of March 6, 1844.	Chargé d'affaires in New Granada.
Robert C. Schenck	do	do .....	.....	To conclude a treaty of commerce and claims with Brazil.	Envoy extraordinary and minister plenipotentiary to Brazil.
John H. Anlick	May 30, 1851	do .....	.....	To conclude a treaty of friendship, commerce, and navigation with Japan.	Commodore, U. S. Navy.
R. P. Letcher	Aug. 4, 1851	do .....	.....	To conclude a treaty "concerning the reciprocal obligations of the United States and Mexico in regard to Indians inhabiting their respective territories," and a claims convention with Mexico.	Envoy extraordinary and minister plenipotentiary to Mexico.
Courtland Cushing	Sept. 10, 1851	do .....	.....	To conclude a claims convention with Ecuador.	Chargé d'affaires in Ecuador.
Daniel Webster	Apr. 27, 1852	do .....	.....	To conclude a consular convention with the Hanseatic Republics of Hamburg, Bremen, and Lübeck.	Secretary of State.
Robert C. Schenck	do	do .....	.....	To conclude treaties of commerce with the Argentine Republic, Uruguay, and Paraguay.	Envoy extraordinary and minister plenipotentiary to Brazil.
John D. Pendleton					Chargé d'affaires in the Argentine Confederation.
Daniel Webster	May 11, 1852	do .....	.....	To conclude a treaty concerning commerce, navigation, and extradition with the Netherlands.	Secretary of State.
Horace H. Miller	June 8, 1852	do .....	.....	To conclude a treaty of commerce with Bolivia.	Chargé d'affaires in Bolivia.
Daniel Webster	June 15, 1852	do .....	.....	To conclude an extradition treaty with Prussia and the other German States associated with her.	Secretary of State.
Humphrey Marshall	Sept. 9, 1852	do .....	.....	To conclude a claims convention with China.	Commissioner to China.
Alfred Conkling	Sept. 23, 1852	do .....	.....	To conclude a treaty "concerning the reciprocal obligations of the United States and of Mexico in regard to Indians inhabiting their respective territories," and a claims convention with Mexico.	Envoy extraordinary and minister plenipotentiary to Mexico.

Matthew C. Perry	Nov. 11, 1852	do	To conclude treaty of friendship, commerce, and navigation with Japan.	Captain, U. S. Navy.
J. R. Ingersoll	Dec. 28, 1852	do	To conclude a claims convention with Great Britain.	Envoy extraordinary and minister plenipotentiary to Great Britain.
Robert C. Schenck	Jan. 31, 1853	do	To conclude treaty of commerce with Paraguay.	Envoy extraordinary and minister plenipotentiary to Brazil.
John S. Pendleton				Chargé d'affaires in the Argentine Confederation.
Thomas J. Page				Lieutenant, U. S. Navy.
Edward Everett	Feb. 14, 1853	do	To conclude copyright conventions with Great Britain and France.	Secretary of State.
Solon Borland	June 15, 1853	do	To conclude treaties of commerce with Nicaragua and Honduras.	Envoy extraordinary and minister plenipotentiary to Central America.
James Buchanan	July 6, 1853	do	To conclude an extradition treaty with Bavaria.	Envoy extraordinary and minister plenipotentiary to Great Britain.
William L. Marcy	July 21, 1853	do	To conclude a copyright convention with France.	Secretary of State.
James Buchanan	Sept. 12, 1853	do	To conclude with Great Britain a treaty concerning all matters of difference connected with Central America.	Envoy extraordinary and minister plenipotentiary to Great Britain.
John W. Dana	Nov. 1, 1853	do	To conclude a treaty of commerce with Bolivia.	Chargé d'affaires in Bolivia.
Robert M. McLane	Nov. 12, 1853	do	To conclude a treaty of commerce and navigation with China.	Commissioner to China.
James Gadsden	Dec. 8, 1853	do	To conclude an extradition treaty with Mexico.	Envoy extraordinary and minister plenipotentiary to Mexico.
Charles Eames	Mar. 8, 1854	do	To conclude a treaty of commerce and navigation with Venezuela.	Chargé d'affaires in Venezuela.
Pierre Soulé	Mar. 28, 1854	do	To conclude with Spain a treaty of commerce and concerning a cession of Cuba and its dependencies, including the Island of Pines.	Envoy extraordinary and minister plenipotentiary to Spain.
David L. Gregg	Apr. 4, 1854	do	To conclude a treaty for the cession of the Hawaiian Islands to the United States.	Commissioner in Hawaii.
James Buchanan	May 22, 1854	do	To conclude a postal convention with Great Britain.	Envoy extraordinary and minister plenipotentiary to Great Britain.
William L. Marcy	June 5, 1854	do	To conclude with Great Britain a treaty concerning the northeastern fisheries and reciprocity with Canada.	Secretary of State.

Statement of the persons employed by the United States in conducting negotiations since 1789--Continued.

Name.	When appointed.	By whom.	Rank.	Purposes.	Other office held at same time.
William L. Cazneau	June 17, 1854	President	Commissioner in the Dominican Republic.	To conclude a treaty of commerce and extradition with Dominican Republic.	
James A. Peden	July 5, 1854	do		To conclude a treaty of commerce and also a claims convention with Buenos Ayres.	Minister resident in Buenos Ayres.
August Belmont	July 11, 1854	do		To conclude a consular convention with the Netherlands.	Minister resident in the Netherlands.
William M. Marcy	July 21, 1854	do		To conclude a treaty relative to the rights of neutrals with Russia.	Secretary of State.
D. A. Starkweather	July 24, 1854	do		To conclude a treaty of commerce and extradition with Chile.	Envoy extraordinary and minister plenipotentiary to Chile.
Philo White	Aug. 14, 1854	do		To conclude a treaty granting to the United States or its citizens the right to remove guano from Ecuadorian islands.	Minister resident in Ecuador.
William L. Marcy	Aug. 19, 1854	do		To conclude a treaty relative to the succession to property with Brunswick.	Secretary of State.
John H. Wheeler	Oct. 21, 1854	do		To conclude a treaty of commerce with Nicaragua.	Minister resident in Nicaragua.
James Buchanan	Nov. 1, 1854	do		To conclude a consular convention with Great Britain.	Envoy extraordinary and minister plenipotentiary to Great Britain.
Philo White	do	do		To conclude a claims convention with Ecuador.	Minister resident in Ecuador.
Charles Eames	Dec. 9, 1854	do		To conclude a treaty with Venezuela in regard to the rights of neutrals.	Minister resident in Venezuela.
James Buchanan	Dec. 18, 1854	do		To conclude an extradition treaty with Hanover.	Envoy extraordinary and minister plenipotentiary to Great Britain.
John Y. Mason	Aug. 7, 1854	do		To conclude a treaty with France in regard to the rights of neutrals.	Envoy extraordinary and minister plenipotentiary to France.
James Buchanan	do	do		To conclude a treaty with Great Britain in regard to the rights of neutrals.	Envoy extraordinary and minister plenipotentiary to Great Britain.
Robert Dale Owen	Nov. 29, 1854	do		To conclude a treaty with the Kingdom of the Two Sicilies in regard to the rights of neutrals.	Minister resident in the Kingdom of the Two Sicilies.
John R. Clay	Jan. 12, 1855	do		To conclude a treaty with Peru in regard to the rights of neutrals.	Envoy extraordinary and minister plenipotentiary to Peru.
James B. Bowlin	Jan. 30, 1855	do		To conclude a claims convention with New Granada.	Minister resident in New Granada.

Robert Dale Owen	Feb. 7, 1855	do		To conclude a treaty of amity, commerce, and navigation with the Kingdom of the Two Sicilies.	Minister resident in the Kingdom of the Two Sicilies.
Peter D. Vroom	Feb. 15, 1855	do		To conclude an extradition treaty with Baden.	Envoy extraordinary and minister plenipotentiary to Prussia.
Augustus C. Dodge	Apr. 19, 1855	do		To conclude with Spain a treaty relative to commerce, to the debts due citizens of the United States under the convention of February 17, 1834, and to claims.	Envoy extraordinary and minister plenipotentiary to Spain.
William Trousdale	Apr. 26, 1855	do		To conclude a treaty of commerce and extradition with Brazil.	Envoy extraordinary and minister plenipotentiary to Brazil.
August Belmont	Apr. 30, 1855	do		To conclude an extradition treaty with the Netherlands.	Minister resident in the Netherlands.
Carroll Spence	May 24, 1855	do		To conclude a treaty of commerce with Persia.	Minister resident in Turkey.
William L. Marcy	July 16, 1855	do		To conclude a treaty of commercial reciprocity with Hawaii.	Secretary of State.
Townsend Harris	Sept. 8, 1855	do		To conclude treaties of commerce with Japan and Siam.	Consul-general in Japan.
Peter Parker	Sept. 25, 1855	do		To conclude a treaty of commerce and navigation with China.	Commissioner to China.
Jonathan Elliot	Oct. 5, 1855	do		To conclude a treaty of commerce with the Dominican Republic.	Commercial agent at Santo Domingo.
Philo White	Dec. 3, 1855	do		To conclude with Ecuador a treaty relative to the rights of neutrals.	Minister resident in Ecuador.
John L. O'Sullivan	July 22, 1856	do		To conclude a treaty with Portugal "asserting the principle of respect for private property at sea in time of war as the same is paid by civilized nations at the present day on land."	Minister resident in Portugal.
George M. Dallas	Sept. 25, 1856	do		To conclude a treaty relative to Central America with Great Britain.	Envoy extraordinary and minister plenipotentiary to Great Britain.
James B. Bowlin	Dec. 2, 1856	do	Special commissioner to New Granada.	To conclude a treaty with New Granada with reference to transit across the Isthmus of Panama.	Minister resident at New Granada. None.
Isaac E. Morse		do			
George M. Dallas		do			
				To conclude a treaty with Great Britain "concerning the principles of maritime law which affect neutral and belligerent rights at sea."	Envoy extraordinary and minister plenipotentiary to Great Britain.
				[Similar powers were sent to our representatives at Paris, St. Petersburg, The Hague, Berlin, Vienna, and Copenhagen.]	
Lewis Cass	Mar. 21, 1857	do		To conclude a treaty with Denmark relative to the Sound dues.	Secretary of State.
William B. Reed	Apr. 22, 1857	do		To conclude a treaty of commerce, navigation, and claims with China.	Envoy extraordinary and minister plenipotentiary to China.

Statement of the persons employed by the United States in conducting negotiations since 1789—Continued.

Name.	When appointed.	By whom.	Rank.	Purposes.	Other office held at same time.
John Forsyth	July 18, 1857	President		To conclude a treaty with Mexico relative to boundaries, claims, and the right of way across the Isthmus of Tehuantepec.	Envoy extraordinary and minister plenipotentiary to Mexico.
Lewis Cass	Nov. 17, 1857	do		To conclude a treaty concerning friendship, commerce, and interoceanic communication with Nicaragua.	Secretary of State.
John W. Dana	Aug. 18, 1858	do		To conclude a treaty with Bolivia for her accession to the treaty of July 10, 1853, for the free navigation of the rivers Parana and Paraguay.	Minister resident in Bolivia.
James B. Bowlin	Sept. 30, 1858	do		To conclude a treaty with Paraguay relative to complaints of the United States against Paraguay, to commerce, and to claims.	Commissioner to Paraguay.
William Preston	Dec. 13, 1858	do		To conclude with Spain a treaty of commerce and concerning the cession of the island of Cuba and its dependencies, including the island of Pines.	Envoy extraordinary and minister plenipotentiary to Spain.
Robert M. McLane	Mar. 7, 1859	do		To conclude a treaty with Mexico relative to claims, boundaries, and the right of way across the Isthmus of Tehuantepec.	Envoy extraordinary and minister plenipotentiary to Mexico.
John Y. Mason	June 13, 1859	do		To conclude a treaty of commerce and navigation with France.	Envoy extraordinary and minister plenipotentiary to France.
Alexander Dimitry	Aug. 16, 1859	do		To negotiate a claims convention with Nicaragua.	Minister resident in Nicaragua.
Charles J. Faulkner	Jan. 20, 1860	do		To conclude a treaty of commerce and navigation with France.	Envoy extraordinary and minister plenipotentiary to France.
Edward A. Turpin	Mar. 17, 1860	do		To conclude a treaty of commerce and navigation with Venezuela.	Minister resident in Venezuela.
John R. Clay	Apr. 26, 1860	do		To conclude a claims convention with Peru.	Envoy extraordinary and minister plenipotentiary to Peru.
Norman B. Judd ¹	Apr. 26, 1861	do		To conclude a treaty concerning the principles of maritime law which affect neutral and belligerent rights at sea with Prussia.	Envoy extraordinary and minister plenipotentiary to Prussia.
James S. Pike	May 10, 1861	do		To conclude a treaty concerning the principles of maritime law which affect neutral and belligerent rights with the Netherlands.	Minister resident in the Netherlands.
Thomas Corwin ²	June 24, 1861	do		To conclude a treaty with Mexico concerning friendship, commerce, claims, and boundaries.	Envoy extraordinary and minister plenipotentiary to Mexico.
William H. Seward	July 10, 1861	do		To conclude an additional article relative to the desertion of seamen to the treaty of April 26, 1826, with Denmark.	Secretary of State.

Norman B. Judd	July 25, 1861	do	To conclude a treaty with Hanover for the abolition of the Stadel dues.	Envoy extraordinary and minister plenipotentiary to Prussia.
Christopher Robinson	Nov. 20, 1861	do	To conclude a claims convention with Peru.	Envoy extraordinary and minister plenipotentiary to Peru.
Charles N. Riotte	Mar. 31, 1862	do	To conclude a postal convention with Costa Rica.	Minister resident in Costa Rica.
William H. Seward	Apr. 4, 1862	do	To conclude with Great Britain a convention for the suppression of the African slave trade.	Secretary of State.
James E. Harney	Apr. 22, 1862	do	To conclude an extradition treaty with Portugal.	Minister resident in Portugal.
Fredrick Hassaurek	Oct. 9, 1862	do	To conclude a claims convention with Ecuador.	Minister resident in Ecuador.
B. F. Whidden	Dec. 30, 1862	do	To conclude a treaty of amity and commerce with Haiti.	Commissioner and consul-general to Haiti.
Henry S. Sanford	Mar. 2, 1863	do	To conclude a treaty with Belgium for the capitalization of the Scheldt dues.	Minister resident in Belgium.
Thomas H. Clay	May 15, 1863	do	To conclude a treaty of friendship, commerce, and navigation with Honduras.	Minister resident in Honduras.
William H. Seward	June 23, 1863	do	To conclude a treaty for the final settlement of the claims of the Hudson Bay and Puget Sound agricultural companies.	Secretary of State.
Do	Feb. 10, 1864	do	To conclude a claims convention with Colombia.	Do.
George P. Marsh	June 15, 1864	do	To conclude a treaty of commerce and navigation with Italy.	Envoy extraordinary and minister plenipotentiary to Italy.
Andrew B. Dickinson	Aug. 15, 1864	do	To conclude a treaty of friendship, commerce, and navigation with Nicaragua.	Minister resident in Nicaragua.
Jesse H. McMath	Nov. 1, 1864	do	To conclude a treaty concerning Cape Spartel light-house with Morocco.	Consul in Morocco.
E. D. Culver	Sept. 30, 1865	do	To conclude a claims convention with Venezuela.	Minister resident in Venezuela.
J. Somers Smith	Dec. 13, 1866	do	To conclude a treaty of commerce with the Dominican Republic.	Commercial agent at Santo Domingo.
F. W. Seward	Dec. 15, 1866	do	To conclude a treaty for the cession of territory [Samana Bay] by the Dominican Republic to the United States.	Assistant Secretary of State.
William H. Seward	Jan. 8, 1867	do	To conclude a claims convention with Prussia.	Secretary of State.
Edward M. McCook	Feb. 1, 1867	do	To conclude a treaty for reciprocal commercial intercourse with Hawaii.	Minister resident in Hawaii.
J. Somers Smith	Feb. 27, 1867	do	To conclude a treaty for the cession or lease of territory by the Dominican Government to the United States.	Commercial agent at Santo Domingo.
William H. Seward	Mar. 18, 1867	do	To conclude a treaty with Russia for the cession of territory.	Secretary of State.

¹ Similar powers were sent to our representatives at Vienna, Turin, Copenhagen, and Brussels.

² This seems to be the power under which Corwin concluded a postal and extradition treaty on December 10, 1861.

Statement of the persons employed by the United States in conducting negotiations since 1789—Continued.

Name.	When appointed.	By whom.	Rank.	Purposes.	Other office held at same time.
John A. Kasson.....	Apr. 6, 1867	President	Commissioner	To conclude postal conventions with France, Great Britain, Prussia, and Belgium.	
George H. Seaman	May 25, 1867	do	do	To conclude treaty for the cession of the Danish West Indies.	Minister resident in Denmark.
Andrew B. Dickinson	June 15, 1867	do	do	To negotiate for the extension of the time for the ratification of the treaty of March 16, 1859, with Nicaragua.	Minister resident in Nicaragua.
R. B. Van Valkenburg	July 15, 1867	do	do	To conclude an additional article to the convention of October 22, 1864, with Japan.	Minister resident in Japan.
William H. Seward	Jan. 25, 1868	do	do	To conclude an additional article to the treaty of December 6-18, 1852, with Russia.	Secretary of State.
Do	Feb. 8, 1868	do	do	To conclude a consular convention with Italy.	Do.
George Bancroft	Feb. 13, 1868	do	do	To conclude treaties of commerce, navigation, extradition, and naturalization with Prussia and the North German Union.	Envoy extraordinary and minister plenipotentiary to Prussia.
Do	May 25, 1868	do	do	To procure the accession of Wurtemberg, Bavaria, Hesse, and Baden to the treaty of February 22, 1868, with the North German Confederation.	Do.
George P. Marsh	June 3, 1868	do	do	To conclude a naturalization treaty with Italy.	Envoy extraordinary and minister plenipotentiary to Italy.
Henry S. Sanford	June 25, 1868	do	do	To conclude treaties with Belgium concerning extradition, naturalization, and consuls.	Minister resident in Belgium.
George F. Seward	June 27, 1868	do	do	To conclude a claims convention with Korea.	Consul-general at Shanghai.
William H. Seward	June 29, 1868	do	do	To conclude treaties concerning consuls and naturalization with Mexico.	Secretary of State.
Do	June 30, 1868	do	do	To conclude claims convention with Mexico.	Do.
Do	Aug. 18, 1868	do	do	To conclude an additional article to the treaty with Denmark, signed October 24, 1858.	Do.
Henry M. Watts	Aug. 18, 1868	do	do	To conclude a naturalization treaty with Austria.	Envoy extraordinary and minister plenipotentiary to Austria.
J. J. Bartlett	Sept. 22, 1868	do	do	To conclude a naturalization treaty with Sweden and Norway.	Minister resident in Sweden.
E. Joy Morris	Oct. 13, 1868	do	do	To conclude a naturalization treaty with Turkey.	Minister resident in Turkey.
John P. Hall	Oct. 13, 1868	do	do	To conclude a naturalization treaty with Spain.	Envoy extraordinary and minister plenipotentiary to Spain.

William H. Seward	Dec. 4, 1868	do	To conclude a naturalization treaty with France.	Secretary of State.
Do	Dec. 22, 1868	do	To conclude a claims convention with Great Britain.	Do.
Do	Jan. 7, 1869	do	To conclude a treaty "concerning a lease or cession to the United States of the Bay of Samana, in the island of Santo Domingo, and of lands adjacent thereto."	Do.
Peter J. Sullivan	Mar. 2, 1869	do	To conclude a treaty with Colombia concerning a ship canal "through the Continental Isthmus."	Minister resident in Colombia.
Hamilton Fish	Apr. 14, 1869	do	To conclude a trade-marks convention with France.	Secretary of State.
John Jay	Apr. 21, 1869	do	To conclude a naturalization treaty with Austria.	Envoy extraordinary and minister plenipotentiary to Austria.
John Lothrop Motley	May 11, 1869	do	To conclude consular and naturalization conventions with Great Britain.	Envoy extraordinary and minister plenipotentiary to Great Britain.
Henry S. Sanford	June 12, 1869	do	To extend the time for the exchange of the ratifications of the consular convention of December 5, 1868, with Belgium.	Minister resident in Belgium.
George H. Yeaman	July 8, 1869	do	To conclude a naturalization treaty with Denmark.	Minister resident in Denmark.
Thomas H. Nelson	June 9, 1869	do	To conclude a treaty with Mexico concerning a road, railroad, or canal across the Isthmus of Tehuantepec.	Envoy extraordinary and minister plenipotentiary to Mexico.
E. B. Washburne	July 30, 1869	do	To conclude a treaty concerning the regulation of telegraphic intercourse between the United States and France.	Envoy extraordinary and minister plenipotentiary to France.
George Bancroft	Aug. 10, 1869	do	To extend the time for the ratification of the naturalization treaty with Wurttemberg, signed July 27, 1868.	Envoy extraordinary and minister plenipotentiary to Prussia.
James R. Partridge	Aug. 18, 1869	do	To negotiate with Venezuela concerning the deferred payments under the claims convention of April 25, 1866.	Minister resident in Venezuela.
S. A. Hurlbut	Sept. 4, 1869	do	To conclude a treaty with Colombia concerning a ship canal "through the Continental Isthmus."	Minister resident in Colombia.
Charles E. De Long	Sept. 23, 1869	do	To conclude a treaty with Japan "concerning a proposed delay in the payment of the remainder of the indemnity due to the United States and other powers under the convention signed on the 22d of October, 1864."	Minister resident in Japan.
Henry T. Blow	Sept. 23, 1869	do	To conclude a postal convention with Brazil.	Envoy extraordinary and minister plenipotentiary to Brazil.
Hamilton Fish	Oct. 9, 1869	do	To extend the time for the ratification of the treaty of October 24, 1867, with Denmark.	Secretary of State.

Statement of the persons employed by the United States in conducting negotiations since 1789—Continued.

Name.	When appointed.	By whom.	Rank.	Purposes.	Other office held at same time.
Hamilton Fish	Oct. 15, 1869	President .....	.....	To conclude a protocol relative to the failure of the Mexican Claims Commission to meet punctually at the time provided by the convention of July 4, 1868.	Secretary of State.
George Bancroft	Dec. 21, 1869	do .....	.....	To conclude with Wurttemberg a convention explanatory of the third article of the treaty of April 10, 1844.	Envoy extraordinary and minister plenipotentiary to Prussia.
Henry T. Blow	Jan. 21, 1870	do .....	.....	To conclude a protocol referring to an arbitrator the "Canada" claims against Brazil.	Envoy extraordinary and minister plenipotentiary to Brazil.
J. B. Blair ¹	Jan. 22, 1870	do .....	.....	To conclude an extradition treaty with Costa Rica.	Minister resident in Costa Rica.
George Bancroft	Feb. 8, 1870	do .....	.....	To conclude consular and trade-marks conventions with Prussia.	Envoy extraordinary and minister plenipotentiary to Prussia.
C. N. Riotte	Feb. 19, 1870	do .....	.....	To conclude a claims convention with Nicaragua.	Minister resident in Nicaragua.
George Bancroft	Apr. —, 1870	do .....	.....	To conclude a treaty with Baden, "regulating the rights of inheritances and marriages."	Envoy extraordinary and minister plenipotentiary to Prussia.
Alvin P. Hovey	May 6, 1870	do .....	.....	To conclude a treaty of friendship, commerce, and navigation with Peru.	Envoy extraordinary and minister plenipotentiary to Peru.
Hamilton Fish	May 11, 1870 (duplicate July 7).	do .....	.....	To conclude an additional article to the convention of November 29, 1869, with the Dominican Republic.	Secretary of State.
John L. Stevens	June 9, 1870	do .....	.....	To conclude a treaty of friendship, navigation, and commerce with Uruguay.	Minister resident in Uruguay.
E. Joy Morris	July 8, 1870	do .....	.....	To conclude a naturalization treaty with Persia.	Minister resident in Turkey.
A. T. A. Torbert	Oct. 3, 1870	do .....	.....	To conclude a treaty of amity and consular privileges with Salvador.	Minister resident in Salvador.
Thomas H. Nelson	Oct. 25, 1870	do .....	.....	To conclude a treaty with Mexico concerning a road, railroad, or canal across the Isthmus of Tehuantepec.	Envoy extraordinary and minister plenipotentiary to Mexico.
Daniel E. Sickles	Dec. 13, 1870	do .....	.....	To conclude a claims convention with Spain.	Envoy extraordinary and minister plenipotentiary to Spain.
Frederick F. Low	Feb. 18, 1871	do .....	.....	To conclude with China a treaty for the protection of wrecked seamen, and concerning navigation and commerce.	Envoy extraordinary and minister plenipotentiary to China.
Hamilton Fish	Feb. 22, 1871	do .....	.....	To conclude with Great Britain a convention concerning citizenship, supplemental to the convention of May 13, 1870.	Secretary of State.

Thomas H. Nelson	Mar. 23, 1871	do		To extend the duration of the Mexican Claims Commission.	Envoy extraordinary and minister plenipotentiary to Mexico.
S. A. Hurlbut	Apr. 3, 1871	do		To extend the time for the ratification of the convention of January 26, 1870, with Colombia.	Minister resident in Colombia.
Do	Apr. 4, 1871	do		To conclude an extradition treaty with Colombia.	Do.
George Bancroft	do	do		To conclude with Germany a treaty for "the security of private property at sea."	Envoy extraordinary and minister plenipotentiary to Germany.
Hamilton Fish					Secretary of State.
Robert C. Schenck					Envoy extraordinary and minister plenipotentiary to Great Britain.
Samuel Nelson	² May 2, 1871	do	{ Plenipotentiaries [jointly and severally].	{ To conclude a treaty "for the settlement of the different questions which should come before them."	Associate Justice United States Supreme Court.
Ebenezer R. Hoar					None.
George H. Williams					Do.
Willard W. Edgecomb	June 24, 1871	do		To conclude a treaty of friendship, commerce, and extradition with the Orange Free State.	Consul at Cape Town.
Fisher W. Ames	June 28, 1871	do		To conclude additional articles to the convention of November 29, 1869, with the Dominican Republic, for the lease of the bay and peninsula of Samana.	Commercial agent at San Domingo.
Thomas Biddle	Oct. 7, 1871	do		To extend the time for the ratification of the extradition treaty of May 23, 1870, and of the treaty of amity, commerce, and consular privileges of December 6, 1870, with Salvador.	Minister resident in Salvador.
M. J. Cramer	Nov. 24, 1871	do		To conclude a naturalization treaty with Denmark.	Minister resident in Denmark.
Hamilton Fish	May 3, 1872	do		To conclude a naturalization treaty with Ecuador.	Secretary of State.
E. D. Bassett	Oct. 16, 1872	do		To conclude a consular convention with Haiti.	Minister resident and consul general in Haiti.
Hamilton Fish	Nov. 23, 1872	do		To extend the duration of the claims commission with Mexico.	Secretary of State.
John Jay	Nov. 26, 1872	do		To conclude a treaty for the protection of patents to be exhibited at the Vienna Exhibition of 1873.	Envoy extraordinary and minister plenipotentiary to Austria.
George H. Boker	May 21, 1873	do		To conclude a naturalization treaty with Turkey.	Minister resident in Turkey.
Daniel E. Sickles	June 25, 1873	do		To conclude an extradition treaty with Spain.	Envoy extraordinary and minister plenipotentiary to Spain.
George H. Boker	Aug. 18, 1873	do		To conclude an extradition treaty with Turkey.	Minister resident in Turkey.

¹ Similar powers were sent to our representatives in Guatemala, Honduras, Nicaragua, and Salvador.

² Prior power of February 10, 1871, not of record.

Statement of the persons employed by the United States in conducting negotiations since 1789—Continued.

Name.	When appointed.	By whom.	Rank.	Purposes.	Other office held at same time.
Cornelius A. Logan.....	Nov. 28, 1873	President.....	.....	To conclude a claims convention with Chile.	Envoy extraordinary and minister plenipotentiary to Chile.
Marshall Jewell.....	Dec. 12, 1873	do.....	.....	To conclude naturalization and extradition treaties with Russia.	Envoy extraordinary and minister plenipotentiary to Russia.
George Williamson.....	Jan. 13, 1874	do.....	.....	To extend the time for the ratification of the extradition convention of October 11, 1870, with Guatemala.	Minister resident in Guatemala.
Hamilton Fish.....	Feb. 5, 1874	do.....	.....	To conclude an extradition treaty with Belgium.	Secretary of State.
William L. Scruggs.....	Feb. 27, 1874	do.....	.....	To conclude a convention with Colombia for the settlement of the "Montijo" claims.	Minister resident in Colombia.
Hamilton Fish.....	Nov. 19, 1874	do.....	.....	To extend the duration of the Mexican Claims Commission.	Secretary of State.
Do.....	Jan. 22, 1875	do.....	.....	To conclude a treaty of commercial reciprocity with Hawaii.	Do.
Do.....	Mar. 8, 1875	do.....	.....	To conclude a treaty of commerce and navigation with Belgium.	Do.
Horace Maynard.....	May 21, 1875	do.....	.....	To conclude a naturalization treaty with Turkey.	Minister resident in Turkey.
Hamilton Fish.....	Apr. 27, 1876	do.....	.....	To extend the functions of the arbiter under the claims convention of July 4, 1868, with Mexico.	Secretary of State.
Caleb Cushing.....	Nov. 28, 1876	do.....	.....	To conclude an extradition treaty with Spain.	Envoy extraordinary and minister plenipotentiary to Spain.
William M. Evarts.....	May 7, 1878	do.....	.....	To conclude a consular convention with Italy.	Secretary of State.
Do.....	May 22, 1878	do.....	.....	To conclude a consular convention with the Netherlands.	Do.
Henry W. Hilliard.....	July 18, 1878	do.....	.....	To conclude a trade-marks convention with Brazil.	Envoy extraordinary and minister plenipotentiary to Brazil.
William M. Evarts.....	July 25, 1878	do.....	.....	To conclude a treaty with Japan for "the revision of the existing treaties of commerce between the United States and Japan."	Secretary of State.
James Birney.....	Dec. 5, 1879	do.....	.....	To extend the time for the ratification of the consular convention of May 23, 1878, with the Netherlands.	Minister resident in the Netherlands.
William M. Evarts.....	Jan. 13, 1880	do.....	.....	To conclude a claims convention with France.	Secretary of State.
John A. Bingham.....	Jan. 20, 1880	do.....	.....	To conclude with Japan a convention for "the reimbursement of certain specified expenses which may be incurred by either country in consequence of the shipwreck on its coast of the vessels of the other."	Envoy extraordinary and minister plenipotentiary to Japan.

Ernest Diehman	Jan. 29, 1880	do		To conclude an extradition treaty with Colombia.	Minister resident in Colombia.
William M. Evarts	Mar. 9, 1880	do		To conclude a consular convention with Belgium.	Secretary of State.
Do.	May 20, 1880	do		To conclude an extradition treaty with the Netherlands.	Do.
James B. Angell	June 4, 1880	President and Senate	Commissioners plenipotentiary. ["Severally and jointly."] ["Them or any two of them."]	To conclude a treaty with China for the "settlement of such matters of interest as are now pending between the two Governments."	Envoy extraordinary and minister plenipotentiary to China.
John F. Swift					
William Henry Trescot					
William M. Evarts	Feb. 21, 1881	President		To conclude a convention supplementary to the consular convention of May 8, 1878, with Italy.	Secretary of State.
Eugene Schuyler	Mar. 2, 1881	do		To conclude with Roumania a treaty of navigation and commerce, a consular convention, and a treaty concerning trade-marks.	Chargé d'affaires in Roumania.
John A. Halderman	Mar. 9, 1881	do		To conclude a treaty of friendship and commerce, additional and supplementary to the treaty of May 29, 1856, with Siam.	Consul at Bangkok.
Eugene Schuyler	May 24, 1881	do		To conclude with Servia a treaty of commerce and navigation, a consular convention, and a treaty concerning trade-marks.	Chargé d'affaires and consul-general at Bucharest.
R. W. Shufeldt	Nov. 15, 1881	do	Special envoy	To conclude a treaty of friendship and commerce with Korea.	Commodore, U. S. Navy.
William Henry Trescot	Dec. 1, 1881	do		To conclude treaties for the "settlement of such matters of interest as are now pending between" the United States and Chile, Peru, and Bolivia.	Envoy extraordinary and minister plenipotentiary on special mission to Chile, Peru, and Bolivia.
Fred'k T. Frelinghuysen	Feb. 8, 1882	do		To conclude with Mexico a convention for the retrying of cases of Benjamin Weil and La Abra Silver Mining Company.	Secretary of State.
Do.	June 19, 1882	do		To conclude a treaty with Spain "for securing reciprocal protection for trade-marks and articles manufactured in both countries."	Do.
Do.	July 12, 1882	do		To extend the duration of the French and American Claims Commission.	Do.
Aaron A. Sargent	Sept. 11, 1882	do		To conclude an extradition treaty with Luxemburg.	Envoy extraordinary and minister plenipotentiary to Germany.
Ulysses S. Grant	Jan. 10, 1883	do		To conclude a treaty of commerce with Mexico.	Minister resident in the Argentine Confederation.
William Henry Trescot				To conclude an article supplementary to the treaty of friendship, commerce, and navigation of July 27, 1853, with the Argentine Confederation.	
Thomas O. Osborn	Apr. 1, 1884	do		To conclude a treaty concerning trade-marks and trade labels with Belgium.	Secretary of State.
Fred'k T. Frelinghuysen	Apr. 4, 1884	do		To conclude a treaty of commerce with Spain.	Envoy extraordinary and minister plenipotentiary to Spain.
John W. Foster	June 7, 1884	do			

Statement of the persons employed by the United States in conducting negotiations since 1789—Continued.

Name.	When appointed.	By whom.	Rank.	Purposes.	Other office held at same time.
Fred'k T. Frelinghuysen.....	June 9, 1884	President .....	.....	To conclude a convention supplementary to the extradition convention of March 23, 1868, with Italy.	Secretary of State.
Do.....	Nov. 29, 1884	.....do.....	.....	To conclude a treaty with Nicaragua for the construction, maintenance, and joint protection of an interoceanic ship canal through her territory.	Do.
Do.....	Feb. 13, 1885	.....do.....	.....	To conclude a trade-marks convention with Switzerland.	Do.
T. F. Bayard.....	Dec. 4, 1885	.....do.....	.....	To conclude an additional article to the convention of July 29, 1882, with Mexico, extending the provisions of Article VIII thereof eighteen months.	Do.
Do.....	Dec. 5, 1885	.....do.....	.....	To conclude a convention with Venezuela for the reopening of the awards of the claims commission under the treaty of April 25, 1866.	Do.
Richard B. Hubbard	Mar. 25, 1886	.....do.....	.....	To conclude an extradition treaty with Japan.	Envoy extraordinary and minister plenipotentiary to Japan.
F. M. Cheney	May 5, 1886	.....do.....	.....	To conclude a convention enlarging and defining the stipulations of the treaty of September 21, 1833, with Zanzibar.	Consul at Zanzibar.
George H. Bates.....	July —, 1886	Secretary of State .....	.....	To conclude a treaty of commerce with Tonga.	Special commissioner to Samoa.
Thomas F. Bayard	Mar. 25, 1887	President .....	.....	To conclude an extradition treaty with Russia.	Secretary of State.
Do.....	May 11, 1887	.....do.....	.....	To conclude an extradition treaty with the Netherlands.	Do.
C. W. Buck	June 24, 1887	.....do.....	.....	To conclude a treaty of friendship, navigation, and commerce, and a claims convention with Peru.	Envoy extraordinary and minister plenipotentiary to Peru.

APPENDIX D.

FISHING GROUNDS.

Under the treaty of 1818.

	Marine sq. miles.
The 3-marine-mile limit, which is the claim of American fishermen, is in blue, and equals.....	16,424
Of this area there is in bays cut off by the 3-mile limit.....	6,599
And outside of the 3-mile limit.....	9,825
Making a total, as stated, of.....	16,424
The claims of Canadian fishermen, from headland to headland, would add to the area claimed by American fishermen.....	6,164
Making the Canadian claim.....	22,588
As against American claim of.....	16,424

Under the proposed treaty of 1888.

The American fishermen's claim is conceded to Canada, and is equal to...	16,424
And in lieu of the 6,164 marine square miles, from headland to headland, as claimed by the Canadians, the Americans concede to them as follows:	
First. At bays of 10 miles or less in width:	
In Newfoundland, 8 bays, of	200
In New Brunswick, 8 bays, of	67
In Prince Edward Island, 3 bays, of	18
In Cape Breton, 2 bays, of	13
In Nova Scotia, 11 bays, of	85
In all, 32 bays, of (colored brown)	383
Second. At the bays named between lines 63 and 80, Article IV, proposed treaty, 1888 (colored solid red):	
At Baie Chaleur, New Brunswick.....	500
At Bay of Miramichi, New Brunswick	23
At Egmonts Bay, Prince Edward Island	20
At St. Annes Bay, Nova Scotia	5
At Fortune Bay, Newfoundland	160
At Sir Charles Hamiltons Sound, Newfoundland	2
In all, at 6 bays	710
Third. At bays named between lines 81 and 93 in Article IV of proposed treaty of 1888 (colored in parallel red lines):	
At Barrington Bay, Nova Scotia	2
At Chedebucto and St. Peters bays, Nova Scotia	18
At Mira Bay, Nova Scotia	7
At Placentia Bay, Newfoundland	7
In all, 4 bays	34
This gives a total concession by Americans under the proposed treaty of 1888 of	1,127
In lieu of a total concession by the Canadians from their headland to headland claim of	5,037

APPENDIX E.

THE PENDING TREATY.

Review of the fisheries negotiations, by W. L. Putnam, historical and explanatory, from the beginning of the controversy to the present time—What the treaty undertakes to do—Hostile criticism met.

We give below a valuable review of "The fisheries negotiations—historical and explanatory," by the Hon. William L. Putnam, of the commissioners who framed the pending treaty. The paper was prepared for the Portland Fraternity Club and read at a recent meeting. It is an important contribution to the present discussion, and meets adverse criticisms which have been made upon the work of the commission.

Concerning the provisions of the convention of 1818, that our fishermen may enter the bays or harbors of Her Majesty's dominions in Newfoundland and eastern Canada "for the purposes of shelter and of repairing damages therein, of purchasing wood and of obtaining water, and for no other purposes whatever," and are liable to "such restrictions as may be necessary to prevent their taking, drying, or curing fish ther in, or in any other manner whatever abusing the privileges" reserved to them, confusion has arisen in Canada and also in the United States—on the Canadian side by converting this limitation of a guaranteed privilege into a universal one, and on our side by overlooking the indubitable fact that the practice of nations recognizes a broad line between fishing vessels and ordinary merchant vessels, granting to each class privileges not possessed by the other. From a time at least as early as A. D. 1836 to the present the claim of Nova Scotia, and afterwards of Canada, has been inflexible that a fishing vessel is sui generis, and, if foreign, has no privileges within British bays and harbors, except those specifically authorized by some law of Great Britain or of her dominions, or by treaty, or by the strictest rules of humanity; though at times this claim has lain dormant in part, and Great Britain herself has not quite countenanced its practical exercise to its full extent. During all this period this construction, although often complained of by the United States, never has been practically overthrown by us in any particular.

Very soon after the ratification of the convention of 1818 the British Parliament passed the statute (chapter 38, George III) which condemned to forfeiture vessels of the United States, and of all other nations foreign to Great Britain, fishing or "preparing to fish" within the prohibited waters. These words, "preparing to fish," found in this early act, have been the cause of many troubles and are susceptible of a variety of construction. They have been found in every provincial and Dominion statute relating to this matter passed at different periods, four or five in all; and they have received the sanction of long practical acquiescence on the part of the United States, and, we may also add, the full and cordial approval of so distinguished an American law writer as Professor Pomeroy. On the 12th of March, 1836, nearly one year before President Jackson went out of office, there was passed the act of Nova Scotia, the model of all the legislation since enacted, at which is aimed the thirteenth article of the treaty just negotiated. This act was specially validated by royal orders in council, and provided that local officers might seize and bring into port vessels hovering on the coasts of Nova Scotia, and repeated the penalty of forfeiture for those fishing or "preparing to fish" within the prescribed waters. It also provided that no person should be admitted to claim the vessel seized without first giving security for costs not exceeding 60 pounds. It also threw on the owner the burden of proof in any suit touching the illegality of seizure. It so hampered the right of action for unjustifiable arrests of vessels as to render it substantially worthless; and it was so extreme in its provisions that the vessel could not be bailed without the consent of the person seizing her. All these provisions have been continued in every statute of the Dominion from that time to the present.

In A. D. 1838, 1839, and 1840, during the Administration of Mr. Van Buren, and while John Forsyth was Secretary of State and Levi Woodbury Secretary of the Treasury, sixteen of our vessels were proceeded against at Halifax and all confiscated except one. During the first year of the next Administration, and while Webster was Secretary of State, seven were seized and proceeded against, only two of which were restored. These prosecutions were under this statute of 1836. It is not certain that Mr. Forsyth knew of its existence until near the close of his term of office, when he made an earnest remonstrance against it. The records also fail to show that Webster in any way took notice of it, although after Webster

retired from the Cabinet Mr. Everett, while minister at London, under instructions from Mr. Upshur, then Secretary of State, reiterated the complaints of Mr. Forsyth. When Webster again became Secretary of State, and not long before he died, he made the famous speech at Marshfield, in which he said:

"It is not to be expected the United States would submit their rights to be adjudicated in the petty tribunals of the provinces, or that we shall allow our own vessels to be seized by constables or other petty officials, and condemned by the municipal courts of Quebec, Newfoundland, New Brunswick, or Canada."

Notwithstanding this, from the time the statute was enacted, in A. D. 1836, till the present negotiations, not only was its repeal or modification not secured by the United States, and not only, contrary to the phrases of Webster, did the United States submit the rights of their vessels to be adjudicated in the tribunals of the provinces and allow them to be seized by provincial constables and other provincial petty officers, but in A. D. 1868, and afterwards in A. D. 1870, the Dominion, without protest from us, reenacted and intensified the law of 1836 by statutes ever since in force.

The disputes covering this first period from A. D. 1836 to A. D. 1854 were confined mainly to four questions:

(1) Whether great bays, like those of Chaleur and Fundy, were bays of the British dominions.

(2) Whether—and this was a broader question, though not perhaps wholly distinct—Great Britain could lawfully run a line from headland to headland, so as to shut in great bays like that of Prince Edward Island and that on the east coast of Cape Breton.

(3) Whether the provincial officers could drive out our vessels from provincial bays and harbors when, in the judgment of the authorities, they did not in fact need shelter or repairs; and

(4) The legislation already referred to.

These questions were not in all respects analogous to those which arose between A. D. 1866 and A. D. 1870, and which have again arisen in the last two years; but whatever they were, none of them were settled and all were postponed, and for the time being submerged in the reciprocity treaty of 1854. In A. D. 1866, at the expiration, by notice from the United States, of the treaty of 1854, the difficulties touching the fisheries were renewed, and they continued until suspended by the treaty of Washington of 1871.

During this period substantially every question arose which has been in dispute within the last two years; yet not one of them was permanently settled by Congress, the Executive of the United States, or by the treaty of Washington. The consular correspondence in the summer of A. D. 1870 shows that our vessels were then forbidden obtaining bait and all other supplies in Canada, and were excluded from Dominion ports except when putting in for the purposes expressly named in the convention of 1818. Numerous seizures were made at that time, followed by forfeitures, one of which was the well-known case of the *J. H. Nickerson*, a vessel proceeded against at Halifax for purchasing bait, while the United States took no action whatever concerning her and made no reclamation, so that she became a total loss to her owners. This period ended in the treaty of 1871, as did that which closed in A. D. 1854, without the United States securing favorable interpretation of any right in dispute.

The references to the treaties of 1854 and 1871 are merely for the necessary purpose of showing their bearing on the present status. Those negotiations were on a much broader scale, and may be said to have involved larger questions than those now under consideration, although everything which endangers in the least the harmony of nations must be regarded as touching the possibilities of great consequences. The nation would not brook that the high motives and great skill and experience of the gentlemen concerned in the formation of those treaties should not be at all times declared. The treaty of 1854 was a beneficent production of broad statesmanship, a blessing to the country, and its good results have come down to this date in the enlargement of commercial relations with Canada, which is among its legitimate issue and has already long survived its own existence.

The negotiations of 1871, as well as the consequent proceedings at Geneva, were in the hands of practiced statesmen and jurists, led by a Secretary of State eminent alike for his private and public virtues. These citizens had been honored by the people with many trusts; but for their diplomatic accomplishments at Washington and the verdict at Geneva they will also be honored by history. While the purely accidental result of the Halifax commission must, in comparison, be regarded as the spluttering and flickering of a farthing candle, the exact cost of which is known but will soon be forgotten, the moral spectacles of the grander arbitration between the United States and Great Britain and of the treaty which led to it have given out a light which will shine on and on for the illumining of

civilization so long as the English tongue shall be spoken. Considering all the great interests which those negotiators had in hand, it was not surprising that it was deemed by them sufficient to give the fisheries a temporary peace, which also they had reason to expect would become permanent. It is in no sense, therefore, in a depreciatory spirit that we refer to these events, but only because dry truth requires that their incidental effect on the issues with which we now have to deal should be clearly stated. The protocol of the conference of the commissioners held May 4, A. D. 1871, is as follows:

"The British commissioners stated that they were prepared to discuss the question of the fisheries, either in detail or generally, either to enter into an examination of the respective rights of the two countries under the treaty of 1818 and the general law of nations or to approach at once the settlement of the question on a comprehensive basis."

Our commissioners selected the latter. The result was no issues in controversy concerning the fisheries were decided, and all were postponed; and a rule of negotiation was adopted for that topic which has since, justly or unjustly, given great dissatisfaction to the interests involved.

It thus appears that this controversy commenced more than a half century since, and during that period nothing has been determined. After questions have continued so long unsettled and have been twice formally postponed it necessarily remains that it is difficult for either party to press its full rights to a complete conclusion in all particulars. Traditions become fixed on one side or the other, systems of legislation accumulate which become inextricably involved with the general mass, and the cotemporary facts and understandings are lost or assume new phases. Claims made by Great Britain, or by Nova Scotia or Canada in her name, have stood so long without definitive reversal that they gained such strength as to be in some particulars quite as difficult of disturbance as though originally based on sound principles and correct rules of construction.

This was the status of these questions when the present negotiations commenced; yet former Administrations had not failed to give some indications of the suitable methods of meeting them. In the dispatch of Mr. Seward, then Secretary of State, to Mr. Adams, then our minister at London, of April 10, A. D. 1866, Mr. Seward suggested a mixed commission for the following purposes:

"(1) To agree upon and define by a series of lines the limits which shall separate the exclusive from the common right of fishing on the coasts and in the seas adjacent of the British North American colonies in conformity with the first article of the convention of 1818; the said lines to be regularly numbered, duly described, and also clearly marked on charts prepared in duplicate for the purpose.

"(2) To agree upon and establish such regulations as may be necessary and proper to secure to the fishermen of the United States the privilege of entering bays and harbors for the purpose of shelter and of repairing damages therein, of purchasing wood and of obtaining water, and to agree upon and establish such restrictions as may be necessary to prevent the abuse of the privilege reserved by said convention to the fishermen of the United States.

"(3) To agree upon and recommend the penalties to be adjudged, and such proceedings and jurisdiction as may be necessary to secure a speedy trial and judgment with as little expense as possible for the violators of rights and the transgressors of the limits and restrictions which may be hereby adopted."

The "memorandum" prepared by the Department of State for the information of the commissioners who, on the part of the United States, assisted in negotiating the treaty of Washington of 1871 contained suggestions for adjustment in the following language:

"(1) By agreeing upon the terms upon which the whole of the reserved fishing grounds may be thrown open to American fishermen, which might be accompanied with a repeal of the obnoxious laws and the abrogation of the disputed reservation as to ports, harbors, etc.; or, failing that,

"(2) By agreeing upon the construction of the disputed renunciation, upon the principles upon which a line should be run by a joint commission to exhibit the territory from which the American fishermen are to be excluded, and by repealing the obnoxious laws and agreeing upon the measures to be taken for enforcing the colonial rights, the penalties to be inflicted for a forfeiture of the same, and a mixed tribunal to enforce the same. It may also be well to consider whether it should be further agreed that the fish taken in the waters open to both nations shall be admitted free of duty into the United States and the British North American colonies."

It will be observed that the suggestions of Mr. Seward were substantially repeated in the instructions of A. D. 1871, and were also embraced almost in terms in the proposals accompanying the dispatch of Mr. Bayard to Mr. Phelps of November 15, 1886; and the treaty just negotiated, it is believed, accomplishes all which was contemplated by them.

The words of delimitation of the convention of 1818 are as follows: "On or within 3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America." The prohibition of 1818 covered in terms not only the coasts, but also the bays, of the British dominion, so that a fair construction of the language could not be met by running a line which at all points followed the windings of the shore. Such was apparently the theory of Edward Bates, the umpire, in his opinion given in the case of the *Washington*, decided under the convention of 1853, wherein he used the following language: "The conclusion is therefore irresistible that the Bay of Fundy is not a British bay within the meaning of the word as used in the treaties of 1783 and 1818." So, also, Mr. Everett, in his note of May 25, A. D. 1844, said: "The vessels of the United States have a general right to approach all the bays in Her Majesty's colonial dominions within any distance not less than 3 miles." It is not, however, to be understood by this suggestion that the "headland" theory is at all accepted. That assumed to run a line shutting in all sinuosities of the coast, without considering whether or not particular headlands marked jurisdictional bays, or, in other words, bays which were properly parts of the British dominions, and it is now approved.

That there may be no misunderstanding, let us follow this distinction a little further. The *Washington* was seized in the Bay of Fundy in A. D. 1843, and that raised a question of the "bays;" that is, whether the whole of Fundy was a part of the British dominions. The *Argus* was seized at nearly the same time in the great bend of Cape Breton. As the affidavits on file at Halifax show, she was captured less than 2 miles within a line from Cape North to Cow Bay, and that capture marked the "headland" disputes.

The opinion of the law officers of the Crown of 1841, in answer to the second and third queries, said, erroneously, of course, "The term 'headland' is used in the treaty to express the part of land we have before mentioned, including the interior of the bays and the indents of the coast." It may here be said that the same opinion in answer to the fourth query denied the free right of navigating the Gut of Canso. Mr. Stephenson, our minister at London, recognized the distinction in his note to Lord Palmerston of March 27, A. D. 1833, where he said: "The provincial authorities assume a right to exclude the vessels of the United States from all their bays, including those of Fundy and Chaleur, and likewise to prohibit their approach within 3 miles of a line drawn from headland to headland," etc. So Mr. Everett, in his note to Earl Aberdeen of May 25, A. D. 1844, admitted that it was "the intent of the treaty, as it is in itself reasonable, to have regard to the general line of the coast and to consider its bays, creeks, and harbors—that is, the indentations usually so accounted—as included within that line."

Now, the present treaty apparently holds to the rule stated by Mr. Everett, except that it defines what has heretofore been undefined. This, of course, is subject to the qualification that, except in special cases, in A. D. 1818 jurisdiction bays were limited to those not exceeding 6 mile in width between their headlands, or even to narrower ones, while the present treaty has adopted the more modern rule of the 10 miles opening as a practical and not injurious solution of this whole dispute concerning bays and headlands.

Therefore, under the convention of 1818 the question arises in every case: What is a jurisdictional bay—that is, a British bay, or, in other words, a bay which was then a part "of His Britannic Majesty's dominions in America?" This having been ascertained, another question arises, whether any bay which was not jurisdictional in A. D. 1818 has since become so inclosed by the growth of population that, on the principles by which we claim as our exclusive waters Chesapeake and Delaware bays and Long Island Sound, we may properly concede it to Great Britain according to its existing circumstances as an inducement to a suitable and just arrangement of all questions of delimitation? With reference to this question, and, indeed, with reference to all this branch of the case, the United States, with its extensive coasts, its numerous bays, its rapidly increasing population and commercial interests, can not wisely permit a narrow precedent.

The Bay of Chaleur, the shores of which in A. D. 1818 were uninhabited, has by the advance of population become a part of the adjacent territory for all jurisdictional purposes, and it has ceased to be of special value to our vessels except for shelter or supplies. The same observations apply with greater force to the Bay of Miramichi. The bays of Egmont and St. Anns are hardly more than mere sinuosities of the coast; but they and the excluded parts of the Newfoundland bays are of no value to our vessels for fishing. It is not unreasonable to grant the release of all of them, in view of the fact that as to all other waters we remove long-standing disputes. It is not to be overlooked that all these bays have long been claimed by Great Britain as of right.

At the mouths of all the bays designated in the treaty by name, the fourth article makes special lines of delimitation. There seems to be an impression with some that the exclusion is 3 miles seaward therefrom; but this is plainly errone-

ous. Each of these lines is run from one powerful light to another, except one terminus at Cape Smoke, which is a promontory over 700 feet in height. The external peripheries of visibility of these lights overlap each other very considerably on each of these lines, so that for our vessels danger is not where bays have been specifically released. This will be found at the 3-mile limit from the open shore, where it always has been. There is, however, confusion about this, and some debit the treaty just negotiated with the inevitable hazards consequential on the principles of that of 1818. If the commission of delimitation is appointed as the treaty provides, this commission, of course, will, as Mr. Seward and Mr. Fish foresaw, diminish the danger on the open coast by giving on the charts which it prepares bearings of lights and other marked points, so that vessels by the aid of these bearings will be able to protect themselves in some degree. Nevertheless, there are the nights and thick weather, but the consequences of these are inherent in the principles of the convention of 1818, and will be diminished and not enlarged by the practical workings of the present treaty.

In the case of the *Washington*, Mr. Bates referred to the treaty between France and Great Britain of 1839, excluding from the common right of fishing all bays the mouths of which did not exceed 10 miles in width, and indorsed this as a proper limit. In the treaty between France and Great Britain of 1867 the same limit was adopted, and it was approved by the common judgment of Great Britain, the German Empire, Belgium, Denmark, France, and the Netherlands, in the treaty concerning the North Sea fisheries, signed at The Hague May 6, A. D. 1882. With the weight of international consensus in its favor, and in view of the interest of the United States to aid precedents which will enable us to afford proper protection to our extensive coasts, and admitting the necessity of finding some practical method of delimitation, this rule seems, on the whole, convenient, wise, and not unjust. Moreover, considering the inability of our mackerel vessels, substantially all of which use the purse seine to fish in shallow waters along the coast, and that very few American fishermen, perhaps none, in the pursuit of halibut or cod desire to fish there, it is impossible to believe that this rule surrenders anything of essential value to us.

It is fair to add that the ten-mile rule was apparently not congenial to Canada. In the proposals made to Great Britain in the autumn of A. D. 1886, Mr. Bayard, after reciting substantially the suggestions made by Mr. Seward, and elaborating them, offered this rule; but the Marquis of Salisbury, in his reply of March 24, 1887, commented that this "would involve a surrender of fishing rights which have always been regarded as the exclusive property of Canada."

The specific delimitations at several smaller bays will, on examination, be found to be in harmony with the views of the United States as to the proper results of the general rules of 1818. On the whole, by this part of the treaty a long and troublesome dispute affords promise of being ended without either party giving up anything of value.

Next, the treaty touches the matters which have involved our fishing vessels in their most serious troubles, fully covering reports to custom-houses, fees, and other charges, cases of disaster and distress, and incidental supplies such as merchant vessels buy. It is of course impossible to anticipate all the questions which may arise as between coterminous peoples, even with the most careful phraseology; and there are some matters which can not be confined within fixed terms without limiting the rights of one party or the other to an extent to which neither could be expected to submit. Among these is that discretion which must be exercised on the one side by the "skipper" who runs in for shelter in deciding whether or not it is prudent to put to sea, and on the other side by the revenue authorities in determining whether or not the vessel is hovering or loitering unlawfully within the waters of Canada. Such matters must in the main be disposed of satisfactorily by the practical operation of what is expressed and by the limitation imposed in the article which will immediately be considered.

The treaty next seeks to alleviate the hardships of the legal proceedings which various statutes of the province and the Dominion have imposed on foreign vessels. These statutes extended to fishing vessels systems of procedure which are with less injustice applied to merchantmen. The latter come voluntarily into port and are ordinarily furnished either with credit or cash through their consignees, enabling them to protect themselves in case of litigation. Fishing vessels, however, especially those putting into strange waters merely for shelter, have no such aids and frequently have with them very little cash; and the result has been that the forms of proceedings, which might not be burdensome for merchantmen, have, with reference to fishing vessels, obstructed the course of justice. Through the intervention of counsel employed by the Secretary of State for observing the trials of the *David J. Adams* and the *Ella M. Doughty*, there have been received practical lessons in the difficulties surrounding fishing vessels under the

statutes and proceedings of the courts of the Dominion. As already explained, these had been allowed to thrive so long without any successful effort on the part of the United States to prevent their growth that they had become too deeply rooted in the general mass of Canadian legislation to permit their being entirely drawn out. It is believed, however, that so far as this article may fail to remove all these difficulties detail by detail, its limitation of penalties, except for illegal fishing or preparation therefor, will do very much to prevent injustice under any circumstances, while as to vessels poaching it is for the interest of each Government that they shall be restrained by severe punishments.

To follow out the matter more in detail: A fishing vessel is seized in the Bay of St. Ann's or up in the Gulf of St. Lawrence. Under existing statutes, first of all, and before she can claim a trial or take testimony or other steps toward a trial, she is required to furnish security for costs not exceeding \$240. The practical experience is that fishing vessels taken into strange ports are rarely provided with funds or credit, and therefore they are compelled to communicate with their owners for assistance, and by reason of the consequent delay are unable to take even the preliminary steps before the sharesmen scatter and the witnesses are lost, because sharesmen, not being ordinarily on wages, can not be held to a vessel moored to a pier. This provision of the Canadian law is not singular; in our own admiralty courts no person can ordinarily claim a fishing vessel, or whatever vessel she may be, without furnishing like security. Under the treaty this disappears, and in practice this relief will be found to be of great benefit to our fishermen.

Next, the courts into which all the cases of these fishing vessels have been brought are not provincial, but are imperial vice admiralty courts, established and governed by the uniform rules of the imperial statute, although presided over by a local judge designated for that purpose. As a consequence, all the paraphernalia and fees of imperial courts are met, and the progress of the trial requires the early disbursement of large sums of money common in all of them, but unknown in our own and in the provincial courts. These are necessarily so large that our consular correspondence shows the burden of securing the costs and advancing fees was alone sufficient in some instances to compel owners to abandon the defense of vessels of moderate value. The statutes to which we have already referred, moreover, stipulated that no vessel should be released on bail without the consent of the seizing officer; and although it must be admitted that in practice this has not yet been found to create difficulty, it is annulled by the treaty. While it is impossible to anticipate or prevent all causes of legal delays and expenditures, yet there is no reasonable ground for denying that this thirteenth article will essentially moderate these enumerated rigors.

The punishment for illegally fishing in the prohibited waters has always been forfeiture of the vessel and the cargo aboard at the time of seizure. It was not possible nor was it for the interests of either country to demand that the penalty imposed on actual poachers should not be severe, but this article provides that only the cargo aboard at the time of the offense can be forfeited, and the provincials can not lie back until a vessel has taken a full cargo and then sweep in the earnings of the entire trip for an offense committed perhaps at its inception. Moreover, the article provides the penalty shall not be enforced until reviewed by the Governor-General in council, giving space for the passing away of temporary excitement and for a calm consideration of all mitigating circumstances. Also, from the passage of the statute of 1819 the penalty for illegally "preparing to fish" has been forfeiture. This has at times been construed to extend not only to preparing to fish illegally, but also to a preparation within the Dominion waters for fishing elsewhere. The *J. H. Nickerson*, already referred to, was forfeited in A. D. 1870 on this principle without any specific protest from the United States or any subsequent reclamation.

If the plenipotentiaries had been working new ground, in view of the indefiniteness of the words and of the fact that preparation is ordinarily accepted as of lower grade than actual accomplishment, it may be that the penalty of forfeiture under any circumstances for this offense would have been surrendered; but a statute which has stood for nearly seventy years without successful objection can not easily be wholly overthrown. The treaty, however, clearly eliminates every principle on which were based the forfeiture of the *J. H. Nickerson* and the proceedings against the *Adams* and the *Doughty*; and also, taking into consideration the other elements already referred to, it makes forfeiture the extreme penalty, but directs that the punishment shall be fixed by the court not exceeding the maximum, so that, if circumstances justify in any case, it may be reduced to a minimum. In lieu of all the other penalties rising to forfeiture, imposed by the Dominion statutes concerning the fisheries for technical offenses and offenses known and unknown, the maximum for all such will be \$3 for every ton of the

boat or vessel concerned. Under the provisions of this treaty the *Ella M. Doughty*, caught in the ice, would have gone free, and the *David J. Adams*, which ran across from Eastport into Digby Basin for bait, if she had found herself snarled in the intricacies of foreign statutes and legal proceeding, had the option to pay \$3 per ton, or less than \$200—in other words, less than the amounts heretofore required as security for costs and to pay expenses of defense in the vice-admiralty court and go free—or she could have demanded a summary and inexpensive trial at the place of detention.

It should be borne in mind that the statutes of Canada which we have been discussing are not aimed particularly at vessels of the United States, but include all foreign fishing vessels. While in all respects, even with the modifications which the thirteenth article imposes on them, they are not our statutes, and therefore not what we would make them, yet several of these modifications are concessions from principles and provisions which are found in our own statutes, and concessions which we ourselves would not willingly make in behalf of foreign vessels. On the whole, a careful examination of this section, taken in the light of the ordinary methods of criminal proceedings wherever the common law exists, will show a present desire on the part of Great Britain and Canada to remove just cause of offense, and to cultivate the friendship of the United States; and take it by and large, the net result must be a modicum of those evils and misfortunes, through legal proceedings, which inevitably await strange vessels in foreign ports.

Concerning the fifteenth article, further reference to the protocol of May 4, 1871, of the joint commissioners who negotiated the treaty of Washington will show, as already explained, that the American commissioners preferred a settlement of the fishery questions "on a comprehensive basis." After setting out other propositions, pro and con, which were not agreed to, the protocol proceeds as follows:

"The subject of the fisheries was further discussed at the conferences held on the 20th, 22d, and 25th of March. The American commissioners stated that, if the value of the inshore fisheries could be ascertained, the United States might prefer to purchase for a sum of money the right to enjoy in perpetuity the use of those inshore fisheries in common with British fishermen."

Our commissioners afterwards named \$1,000,000 as the sum they were prepared to offer. The British commissioners replied that this offer was inadequate, and made some other objections to it. Subsequently our commissioners proposed as an equivalent for the inshore fisheries that coal, salt, and fish should be reciprocally admitted free at once and lumber after the 1st of July, A. D. 1874. On the 17th of April the British commissioners replied that they regarded this latter offer as inadequate. Thereupon our commissioners withdrew it, and the equivalents were finally negotiated, as found in the treaty.

In framing the present convention this principle of negotiation seems to have been held by the United States not admissible, but it ought not be denied, if to purchase bait and in other ways to make the shores of Canada and Newfoundland the base of our fishing operations have a pecuniary or property value to the United States, an equivalent therefor may justly be demanded by Great Britain. In any bargaining for the same, however, all the parties concerned should stand free and on equal footing. Great Britain in this article freely states what she is willing to accept, and if the convention is ratified Congress may freely adopt its terms if it deems it for the interest of the country so to do.

The objections that the treaty does not secure privileges for bait, shipping men, and transshipping fish are not considered here, as they have been fully discussed elsewhere. Also discussion of the other ill founded objection that the treaty gives us nothing worth purchasing is omitted, because it makes no attempt to purchase anything. It gives no consideration whatever for the benefits which we receive under it.

Much has been said by the opponents of the treaty concerning the reciprocal arrangement of A. D. 1830, and indeed some of them apparently suppose a treaty with Great Britain was then made. The most convenient way of understanding that arrangement is to turn to Jackson's proclamation of May 29, A. D. 1830, by which it was brought to its completion, and its entire practical effect is made clear from the circular of the Secretary of the Treasury to the collectors of customs of October 6, A. D. 1830, and by the order in council of November 5 of the same year.

While this marked a long step forward in reciprocal arrangements with the neighboring provinces, so that it afforded the Secretary of State, Mr. Bayard, very just and persuasive arguments in favor of the most liberal treatment by Canada of our fishing vessels, yet its very letter, as well as its spirit, related exclusively to vessels engaged in commerce and to merchandise carried from the ports of one country to the ports another. Not only did it not contemplate the purchase of fishing supplies to be used on the ocean and other facilities for fishing vessels, but its phraseology clearly excluded any such purpose. Are we any more entitled to

demand under it as a right reciprocity in matters of this sort than Great Britain or Canada can demand under it reciprocity in the coasting trade or in the registering of vessels? And is there anything either in this reciprocal arrangement or in any other between the United States and Great Britain or Canada which renders the refusal to our fishermen of the special benefits of the near locality of Nova Scotia to the fishing grounds more unfriendly, in that sense which justifies retaliation, than our refusal to permit British, including Canadian, vessels to enter our coasting trade, while ours freely engage in the larger coasting trade of the British Empire; or than the refusal to permit the sale by the British, including the Canadians, of their vessels to our citizens with registration, while we may freely sell and register our vessels in any part of the British possessions? There is a wide gulf between this class of privileges which nations grant or refuse in accordance with their own broad or narrow views of their own interests and that class which affects the comfort of strangers and their property in foreign ports. All the latter the treaty just negotiated secures and perpetuates.

In the official pamphlet of the National Fishery Association of March 1, 1888, there is given on the twelfth page the following alternative for this treaty:

"It may be asked how shall we deal with this matter? What can be done to settle the fishery question between the British North American provinces and the United States? This can be done, and it has the sanction of the Forty-ninth Congress. Wipe out all legislative commercial arrangements and let us go back where we were, so far as commercial intercourse with the British provinces is concerned, when the treaty of 1818 was made. In other words, declare nonintercourse. Put Canada in the same relation to the United States as she was seventy years ago. Then our fishermen would have the same rights they have now under the treaty of 1818, and we should then be in a position to say to her: 'Are you willing this should continue, or do you prefer to deal with us on a fair basis and give to all our vessels, as we are willing to give to yours, full commercial rights in your ports?'"

It is not proposed here to dwell on this alternative nor to discuss the propriety of the assumption of a representative character by the National Fishery Association. But in the event the treaty is rejected, if the President heeds this demand, as perhaps under the law he may, neither the association nor whomsoever it represents, if anybody, nor, more particularly, that part of the community which now fails to rise up against its pretensions, can justly complain.

The fishing interests of New Eng and welcomed with great expectations the expiration of the treaty of 1811, which came about in June, A. D. 1885; but the result has shown how little the prosperity of these interests can rely on political events. The seasons of 1886 and 1887, so far as the mackerel catch was concerned, were disastrous through natural causes, both for our own fleets and for those of Nova Scotia, though less for the latter than for the former. Although the catch for these two seasons was only one-third of the catch for 1882 and 1883, yet the prices made no corresponding advance, so that the money aggregate for the two latter seasons, including all grades of mackerel, could not have been much in excess of one third of that for the two earlier seasons named. With reference to cod and other ground fish, there was a considerable diminution in the catch for the seasons of 1886 and 1887, with an extremely low market in 1886 and a somewhat improved market in 1887, the net money yield for each being comparatively small. In neither branch of the fisheries, however, were these evils caused by Canadian complications. This is well understood with reference to mackerel, and becomes entirely plain as to cod when the fact is considered that in A. D. 1883, A. D. 1884, and A. D. 1885 the catch on the New England shores and Georges Banks exceeded that on the Grand and Western Banks, while the reverse occurred in A. D. 1886 and A. D. 1887. Before the Senate Committee on Foreign Relations, in A. D. 1886, Sylvester Cunningham, of Gloucester, testified that—

"The price of fish is so low now that if we should allow Canadian fish to come in free our vessels would not sail. The price is very low."

Mr. O. B. Whitten, vice-president of the Fishery Union, also testified before the same committee, October 6, 1886, as follows:

"Q. Have you ever noticed that the duty has increased or that the absence of duty has decreased the price of fish to the consumer during the last fifteen years?"

"A. I do not know that the duty has anything to do with it whatever. In fact, it is strange that salt fish were never so low as they are at the present time with the duty on."

Mr. L. R. Campbell, deputy commissioner of labor for the State of Maine, in an interview with a reporter of the Kennebec Journal, on the 17th day of November last, said:

"The fishermen are in a worse condition to-day than they have been for a number of years, for the reason that they had two bad seasons in succession."

Indeed, the depressed condition of the fisheries for the last two years is too notorious to need evidencing, though the above explanation of its causes seem necessary.

In this state of financial losses and anxiety the fishing interests are, of course, not prone to welcome anything which will not, in their opinion, give them immediate financial relief; yet the writer speaks from a considerable personal knowledge when he says that whosoever may have part in advancing the wholesome and beneficent treaty just negotiated can without trepidation trust himself in the hands of the fishermen of Maine, those who actually man our fleet, and to the sober second-thought of those who own the vessels.

It is to be hoped the present season will be one of prosperity for the cod and mackerel catchers on each side of the line. Our fishermen need it sorely; and the good humor which would flow therefrom would quickly flood out the recollections of the past ill-will and its consequent mischiefs.

WILLIAM L. PUTNAM.

PORTLAND, ME., April 16, 1888.

June 6, 1888.

Mr. Sherman made the following report:

The Committee on Foreign Relations, to whom was referred the convention for the surrender of criminals between the United States and the Republic of Guatemala, concluded October 11, 1870, heretofore ratified by the President of the United States as amended by the Senate, having had the same under consideration, beg leave to report it back with the recommendation that it be advised and consented to with the following amendments:

Article II, section 6, line 3, strike out the word "on" and insert in lieu thereof the word *or*.

Article VII, line 7, after the word "Guatemala," strike out the words "within one year, and sooner if" and insert in lieu thereof the words *as soon as*.

August 8, 1888.

Mr. Morgan made the following report:

The Committee on Foreign Relations, to whom was referred the convention between the United States and Mexico regulating the crossing and recrossing of the frontier of the two countries by pasturing, estray, or stolen cattle, signed July 11, 1888, having had the same under consideration, beg to report it back to the Senate with the recommendation that the said convention be amended as follows:

Article IV, section 1, line 1, after the word "owner," insert the words *or person in charge*; line 2, after the word "fact," insert the words *and within three months after they have crossed the boundary*;

Article IV, section 2, at the end of the section, add the following words: *If said cattle are not reclaimed in accordance with the provisions of this article, the same shall be forfeited to the Government in whose territory they are found*;

And that the Senate do advise and consent to the ratification of the said convention as so amended.

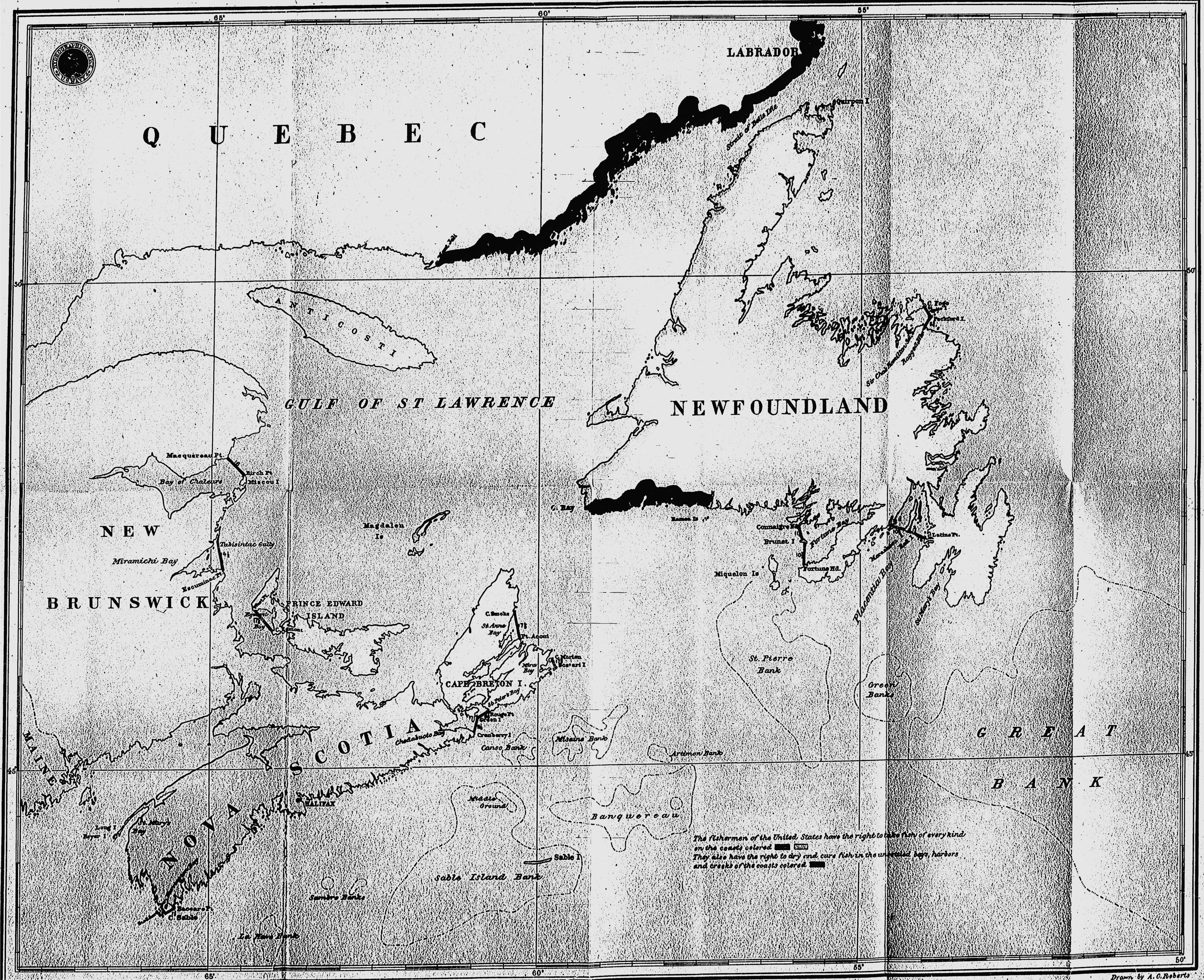
FIFTIETH CONGRESS, SECOND SESSION.

December 5, 1888.

Mr. Sherman made the following report:

The Committee on Foreign Relations, to whom was recommitted the convention between the United States and Great Britain concern-

LIMITS UNDER FISHERY TREATIES.
1818 AND 1888.



EAST COAST
OF
NORTH AMERICA

The EAST COAST MAPS are the only ones
of the kind ever published in the world
Sheet IV



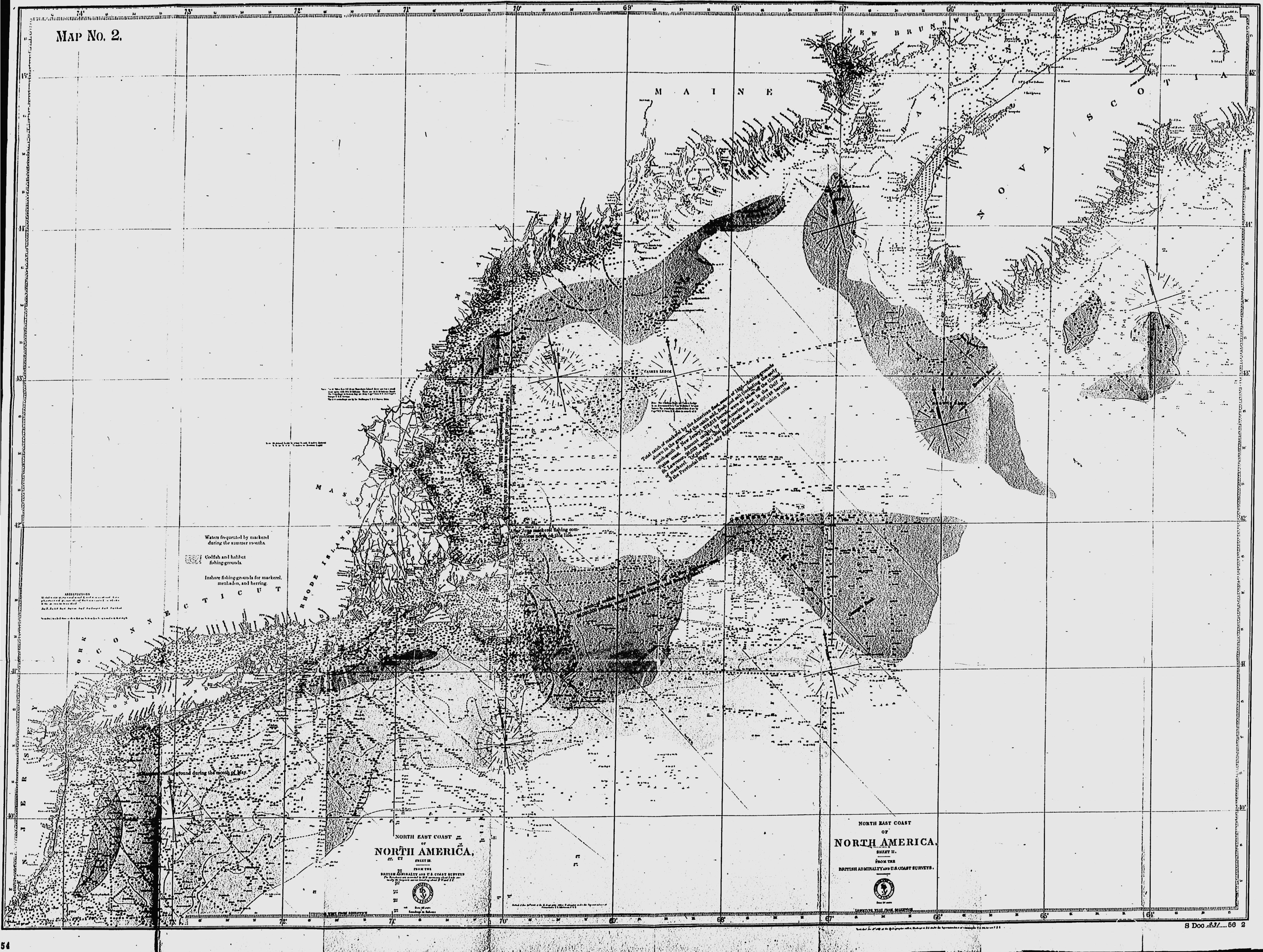
1870
New York
Published by
J. H. Colver

Scale of Miles
0 10 20 30 40 50 60 70 80 90 100
Scale of Fathoms
0 10 20 30 40 50 60 70 80 90 100

First land of Peabody in 1850
Seen on March 20, 20 Miles

Coastal line of Peabody's Bay

Waters discovered by Peabody in their migration
from the land seen in March and named with
by the Peabody



Waters frequented by mackerel during the summer months

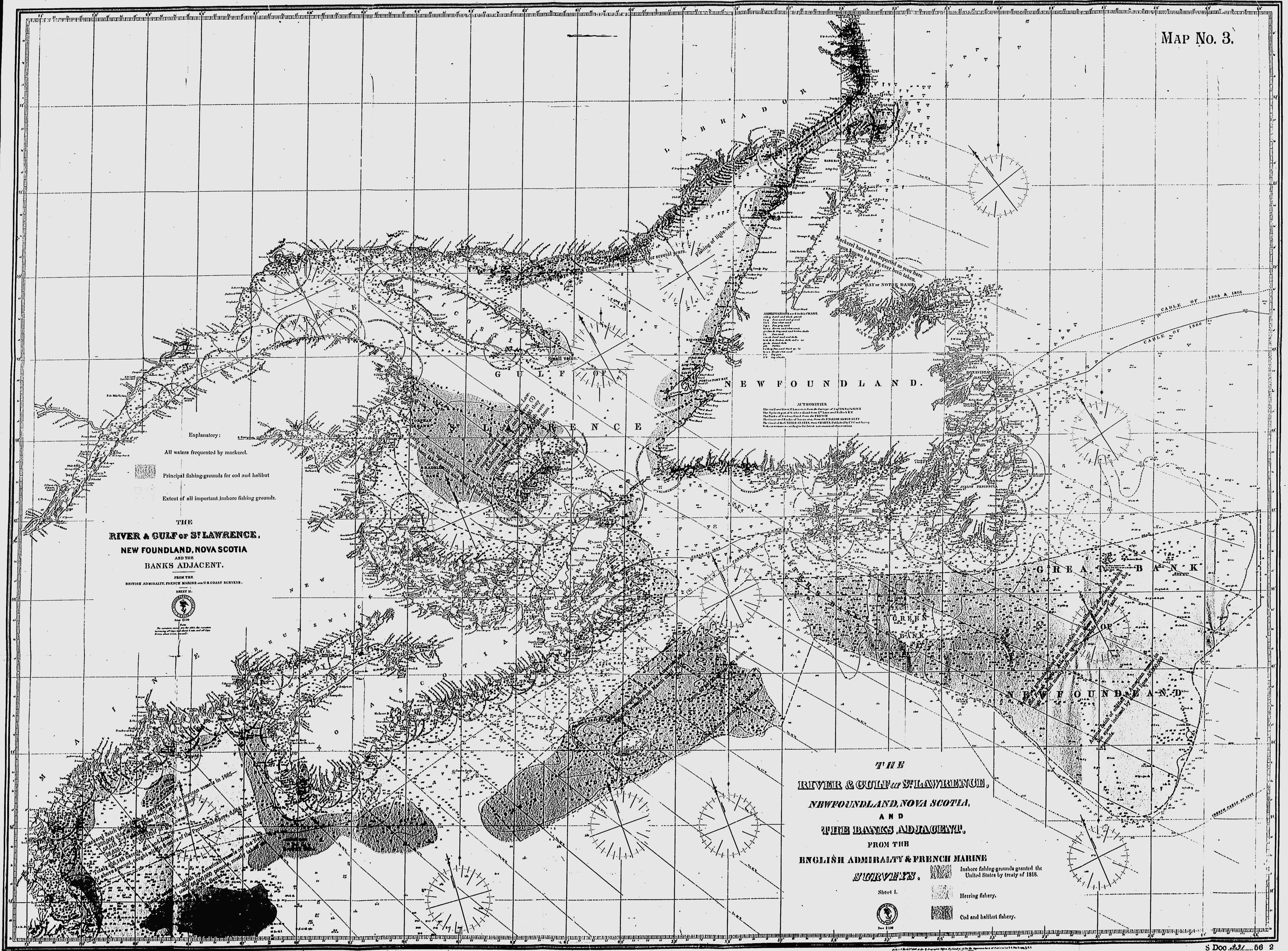
Godfish and halibut fishing grounds

Inshore fishing grounds for mackerel, menhaden, and herring

Total catch of mackerel by the American fleet, 1900-1901, was 1,000,000 barrels. The catch was taken in the Gulf of St. Lawrence, 1900-1901, was 1,000,000 barrels. The catch was taken in the Gulf of St. Lawrence, 1900-1901, was 1,000,000 barrels.

NORTH EAST COAST OF NORTH AMERICA. SHEET II. FROM THE BRITISH ADMIRALTY AND U.S. COAST SURVEYS.

NORTH EAST COAST OF NORTH AMERICA. SHEET II. FROM THE BRITISH ADMIRALTY AND U.S. COAST SURVEYS.



THE
RIVER & GULF OF ST. LAWRENCE,
NEW FOUNDLAND, NOVA SCOTIA
AND THE
BANKS ADJACENT.

FROM THE
BRITISH ADMIRALTY, FRENCH MARINE AND U.S. COAST SURVEYS.

Explanatory:
All waters frequented by mackerel.
Principal fishing-grounds for cod and halibut
Extent of all important inshore fishing grounds.



The chart is based on the latest surveys of the River and Gulf of St. Lawrence, New Foundland, Nova Scotia, and the Banks Adjacent, and is published by the English Admiralty and French Marine Surveys.

THE
RIVER & GULF OF ST. LAWRENCE,
NEW FOUNDLAND, NOVA SCOTIA,
AND
THE BANKS ADJACENT.

FROM THE
ENGLISH ADMIRALTY & FRENCH MARINE
SURVEYS.

Sheet 1.



Inshore fishing grounds granted the
United States by treaty of 1818.
Herring fishery.
Cod and halibut fishery.

ing the extradition of persons charged with crime, signed at London June 25, 1886, being an amended extension of the provisions of Article X of the treaty of 1842, having had the same under consideration, beg leave to report it back to the Senate with the recommendation that the amendments heretofore reported from the committee be concurred in, together with the following additional amendments:

Article I, clause 2, after the word "Burglary" insert the word *Rape*;

Same article, clause 3, after the words "value of," strike out "50" and insert in lieu thereof *200*; and after the words "dollars or £" strike out "10" and insert in lieu thereof *40*;

And that the Senate do advise and consent to the ratification of the said treaty as so amended.

FIFTY-FIRST CONGRESS, SPECIAL SESSION.

March 23, 1889.

Mr. Sherman made the following report:

The Committee on Foreign Relations, to whom was referred the convention between the United States and Russia for the extradition of criminals, signed March 28, 1887, having had the same under consideration, beg leave to report it back to the Senate with the recommendation that the said convention be amended as follows, viz:

Article II, line 2, after the word "same," insert the words *as an accessory before or after the fact, provided such attempt or participation be punishable by the laws of both the contracting parties*;

Article II, section 5, line 1, strike out the words "The crime of forgery, by which is understood the utterance of forged papers, and also the counterfeiting of," and insert in lieu thereof the words *Forgery; and the utterance of forged papers, including*;

And that the Senate do advise and consent to the ratification of the said convention as so amended.

FIFTY-FIRST CONGRESS, FIRST SESSION.

January 8, 1890.

Mr. Sherman made the following report:

The Committee on Foreign Relations, to whom was referred the convention between the United States and Russia for the extradition of criminals, signed March 28, 1887, having had the same under consideration, beg leave to report it back to the Senate with the recommendation that the said convention be amended as follows, viz:

Article II, line 3, after the word "same" insert the words *as an accessory before the fact*;

Article II, section 5, line 1, strike out the words, "The crime of forgery, by which is understood the utterance of forged papers and also the counterfeiting of," and insert in lieu thereof the following words: *Forgery; and the utterance of forged papers, including*;

Add to Article VI the following words: *Such extradition shall only be had upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would*

justify his apprehension and commitment for trial, if the crime or offense had there been committed;

And that the Senate do advise and consent to the ratification of the said convention as so amended.

April 24, 1890.

Mr. Evarts made the following report:

The Committee on Foreign Relations, to whom was referred the convention between the United States and Mexico, providing for the institution of an international commission to determine questions between the United States and Mexico arising under the convention of November 12, 1884, signed at Washington, March 1, 1889, having had the same under consideration, beg leave to report it to the Senate with the recommendation that the said convention be advised and consented to with the following amendments:

At the end of Article IX, after the word "possible" strike out the period, inserting in lieu thereof a comma, and add the words *and shall be in force from the date of the exchange of ratifications for a period of five years.*

June 18, 1890.

[Senate Report No. 1379.]

Mr. Edmunds, from the Committee on Foreign Relations, submitted the following report:

The Committee on Foreign Relations, to which was referred the message from the President of the United States, transmitting report of the Secretary of State relative to the claim of the Government of Sweden and Norway for lower rate of tonnage dues under acts of 1884 and 1886 (Senate Ex. Doc. No. 34, Fifty-first Congress, first session), respectfully reports:

It appears to the committee that the specific provision of the eighth article of the treaty with Sweden and Norway made in 1827 positively obliges each nation not to impose upon the vessels of the other any burdens of any kind or denomination, with an exception not applicable to the present question.

The committee is of opinion that the words "every other navigation" in that article necessarily include the operations of the vessels of other countries from whatever place they may come, and therefore that the act of Congress of June 26, 1884, and the act of June 19, 1886, so far as they impose upon vessels of Sweden and Norway a burden that is not imposed upon the vessels of other countries, although coming to ports of the United States from specific localities, and impose such burdens equally upon all vessels, are in violation of our treaty obligations with the Government of Sweden and Norway.

This precise question was raised soon after the conclusion of the treaty of 1827, when the Government of Sweden and Norway undertook to impose burdens upon vessels classified by geographical tests. But our Government remonstrated, and after discussion the Government of Sweden and Norway appears to have acceded to our views of the matter, and to have remitted and abandoned the exactions which were founded upon such distinctions.

We are of opinion, therefore, that not only the clear meaning of the

eighth article of the treaty referred to, but the accepted interpretation put upon it on the urgency of our demand by the Government of Sweden and Norway should oblige the United States to give the same effect to this article in favor of Sweden and Norway that was given to it by that Government in favor of our shipping and on our demand.

In respect of the suggestion appearing in some of the papers submitted to the committee that the "most favored nation" clause would cover a case of this character, we think that such a pretension is without foundation.

We therefore report the accompanying bill to give effect to the eighth article of the treaty of 1827.

FIFTY-FIRST CONGRESS, SECOND SESSION.

February 27, 1891.

Mr. Morgan made the following report:

The Committee on Foreign Relations, to whom was referred the convention of commerce and navigation between the United States and the Independent State of Congo, signed at Brussels January 24, 1891, having had the same under consideration, beg to report it back to the Senate with the recommendation that it be advised and consented to with the following amendments:

Strike out all of Article IX, with reference to extradition.

Article XV, line 2, after the first word "of" in said line, strike out the words "His Excellency."

FIFTY-SECOND CONGRESS, FIRST SESSION.

January 11, 1892.

Mr. Morgan made the following report:

[See treaty with Independent State of Congo, February 27, 1891, preceding.]

March 18, 1892.

Mr. Sherman made the following report:

[See convention with Russia, March 23, 1889, p. 373.]

May 19, 1892.

[Senate Report No. 697.]

Mr. Davis, from the Committee on Foreign Relations, submitted the following report:

The Committee on Foreign Relations, to whom was referred the bill (S. 3153) to give effect to the eighth article of the treaty of commerce and navigation with Sweden and Norway of July 4, 1827, having had the same under consideration, approve the following report submitted to the last Congress, and recommend that the bill be passed:

The Committee on Foreign Relations, to which was referred the message from the President of the United States, transmitting report of the Secretary of State,

relative to the claim of the Government of Sweden and Norway for lower rate of tonnage dues, under acts of 1884 and 1886 (Senate Ex. Doc. 34, Fifty-first Congress, first session), respectfully report:

It appears to the committee that the specific provision of the eighth article of the treaty with Sweden and Norway made in 1827 positively obliges each nation not to impose upon the vessels of the other any burdens of any kind or denomination, with an exception not applicable to the present question.

The committee is of opinion that the words "every other navigation" in that article necessarily include the operations of the vessels of other countries from whatever place they may come, and therefore that the act of Congress of June 26, 1884, and the act of June 19, 1886, so far as they impose upon vessels of Sweden and Norway a burden that is not imposed upon the vessels of other countries, although coming to ports of the United States from specific localities, and impose such burdens equally upon all vessels, are in violation of our treaty obligations with the Government of Sweden and Norway.

This precise question was raised soon after the conclusion of the treaty of 1827, when the Government of Sweden and Norway undertook to impose burdens on vessels classified by geographical tests. But our Government remonstrated, and after discussion the Government of Sweden and Norway appears to have acceded to our views of the matter and to have remitted and abandoned the exactions which were founded upon such distinctions.

We are of opinion, therefore, that not only the clear meaning of the eighth article of the treaty referred to, but the accepted interpretation put upon it on the urgency of our demand by the Government of Sweden and Norway, should oblige the United States to give the same effect to this article in favor of Sweden and Norway that was given to it by that Government in favor of our shipping and on our demand.

In respect of the suggestion appearing in some of the papers submitted to the committee that the "most-favored-nation" clause would cover a case of this character, we think that such a pretension is without foundation.

We therefore report the accompanying bill to give effect to the eighth article of the treaty of 1827.

FIFTY-SECOND CONGRESS, SECOND SESSION.

January 13, 1893.

[See p. 380.]

[Senate Report No. 1158.]

Mr. Sherman, from the Committee on Foreign Relations, submitted the following report:

The Committee on Foreign Relations, to whom was referred the bill (S. 3629) To extend to the North Pacific Ocean the provisions of the statutes for the protection of fur seals and other fur-bearing animals, respectfully reports:

This bill is recommended by the President of the United States in his annual message in the following words:

A treaty providing for the arbitration of the dispute between Great Britain and the United States as to the killing of seals in the Bering Sea was concluded on the 29th of February last. This treaty was accompanied by an agreement prohibiting pelagic sealing pending the arbitration, and a vigorous effort was made during this season to drive out all poaching sealers from the Bering Sea. Six naval vessels, 3 revenue cutters, and 1 vessel from the Fish Commission, all under the command of Commander Evans, of the Navy, were sent into the sea, which was systematically patrolled. Some seizures were made, and it is believed that the catch in the Bering Sea by poachers amounted to less than 500 seals. It is true, however, that in the North Pacific, while the seal herds were on their way to the passes between the Aleutian Islands, a very large number, probably 35,000, were taken.

The existing statutes of the United States do not restrain our citizens from taking seals in the Pacific Ocean, and perhaps should not, unless the prohibition can be extended to the citizens of other nations. I recommend that power be given to the President, by proclamation, to prohibit the taking of seals in the North Pacific by American vessels, in case, either as the result of the findings of the tribunal of arbitration or otherwise, the restraints can be applied to the vessels of

all countries. The case of the United States for the tribunal of arbitration has been prepared with great care and industry by the Hon. John W. Foster, and the counsel who represent this Government express confidence that a result substantially establishing our claims and preserving this great industry for the benefit of all nations will be attained.

The bill was prepared by the Secretary of State at the request of your committee, and its passage is recommended by that officer.

Your committee is of the opinion that on the happening of the events stated in the bill its provisions would be essential in securing the effective protection of the fur seals in the North Pacific Ocean.

January 21, 1893.

Mr. Sherman made the following report:

The Committee on Foreign Relations, to whom was referred the convention for the extradition of criminals, concluded between the United States and France at Paris, on March 25, 1892, having had the same under consideration, beg leave to report it to the Senate with the recommendation that the said convention be amended as follows:

Article II, section 1, line 3, after the word "manslaughter" add the words *when voluntary*;

Same article, section 2, after the word "Rape," strike out the words "comprehending the corresponding crimes designated in articles 331 and 332 of the French Penal Code;"

Same article, section 7, after the word "countries," add the words *and the amount of money, or the value of the property misappropriated is not less than two hundred dollars or one thousand francs*;

Same article, section 8, after the word "pretenses," strike out the period and insert in lieu thereof a comma, and add to the end of the section the words *when such act is made criminal by the laws of both countries and the amount of money or the value of the property fraudulently obtained is not less than two hundred dollars or one thousand francs*;

Same article, section 15, line 2, after the word "obtained," strike out the period and insert in lieu thereof a comma, and add thereafter the words *when such act is made criminal by the laws of both countries and the amount of money or the value of the property so received is not less than two hundred dollars or one thousand francs*;

Article VII, line 4, after the word "up," insert the words *nor shall such person be arrested or detained on civil process for a cause accrued before extradition*;

And that the Senate do advise and consent to the ratification of the said convention as so amended.

January 28, 1893.

Mr. Sherman made the following report:

The Committee on Foreign Relations, to whom was referred the convention between the United States and Russia for the extradition of criminals, signed March 28, 1887, having had the same under consideration, beg leave to report the same to the Senate with the recommendation that the said convention be amended as follows, viz:

At the end of Article I add the following: *Provided, That this shall*

only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial if the crime or offense had been there committed;

Article II, line 2, after the word "same" insert the words *as an accessory before the fact, provided such attempt or participation is punishable by the laws of both countries;*

Same article, section 1, lines 1 and 2, strike out the words "comprising the willful or negligent killing of a human being" and insert in lieu thereof the following words: *when voluntarily;*

Same article, section 5, line 1, strike out the words "the crime of forgery, by which is understood the utterance of forged papers, and also the counterfeiting of" and insert in lieu thereof the following words: *Forgery, and the utterance of forged papers, including;*

Same article, section 10, line 1, strike out the words "Malicious destruction of, or attempt to destroy, railways, trains, vessels, bridges, dwellings, public edifices, or other buildings, when the act endangers human life" and insert in lieu thereof the words *Willful or unlawful destruction or obstruction of railroads which endangers human life;*

Article III, line 9, strike out the words "The murder or manslaughter, comprising the willful or negligent killing, of the sovereign or chief magistrate of the State, or any member of his family, as well as attempts to commit, or participation in, the said crimes, shall not be considered an offense of a political character" and insert in lieu thereof the following words: *An attempt against the life of the head of either Government, or against that of any member of his family, when such an attempt comprises the act either of murder or assassination or of poisoning, or of accessoryship thereto, shall not be considered a political offense or an act connected with such an offense;*

Article IX, add at the end of this article the following words: *Provided the Government from which extradition is sought is not bound by treaty to give preference otherwise;*

And that the Senate do advise and consent to the ratification of the said convention as so amended.

FIFTY-THIRD CONGRESS, SPECIAL SESSION.

March 30, 1893.

Mr. Butler made the following report:

The Committee on Foreign Relations, to whom was referred the resolution to remove the injunction of secrecy from the text of the convention between the United States and Russia for the extradition of criminals, signed March 28, 1887, beg leave to report the following as a substitute for the original resolution:

Resolved, That the injunction of secrecy be removed from the text of the convention between the United States and Russia for the extradition of criminals, concluded on the twenty-eighth day of March, anno Domini eighteen hundred and eighty-seven, communicated to the Senate on the twenty-seventh February, anno Domini eighteen hundred and eighty-nine, and ratified the sixth day of February, anno Domini eighteen hundred and ninety-three, together with the correspondence transmitted by the President to the Senate in relation to the same.

FIFTY-THIRD CONGRESS, SECOND SESSION.

December 19, 1894.

Mr. Morgan made the following report:

The Committee on Foreign Relations, to whom was referred the treaty of commerce and navigation between the United States and the Empire of Japan, signed November 22, 1894; also a protocol, concluded and signed by the same parties on the same day, regulating certain special matters of mutual concern, having had the same under consideration, beg to report the treaty and protocol to the Senate, and recommend that they be advised and consented to with the following amendment:

Article XIX, clause 2, line 2, after the word "time," strike out all to and including the word "operation" in line 3.

FIFTY-FOURTH CONGRESS, FIRST SESSION.

March 2, 1896.

On the convention between United States and Great Britain, signed February 8, 1896, for the settlement of claims on account of Bering Sea captures, Mr. Sherman reported as follows:

The Committee on Foreign Relations, to whom was referred the convention signed at Washington, February 8, 1896, between the United States and Great Britain, providing for the settlement of claims presented by Great Britain against the United States in virtue of the convention of February 29, 1892, beg to report the same to the Senate with a recommendation that the same be advised and consented to with the following amendments:

Article II, line 88, after the word "Commission," strike out the word "may" and insert in lieu thereof the words *shall also*.

Same article, line 89, after the word "provided," strike out the words "it shall determine in any case that the interests of justice so require—due regard being had to the necessary expense and to all other considerations involved," and insert in lieu thereof the words *either commissioner shall so request if he shall be of opinion that the interests of justice shall so require, for reasons to be recorded on the minutes*.

Article III, line 103, strike out the words "in the award of" and insert in lieu thereof the word *by*.

Same article, lines 104 and 105, strike out, after the word "and" in line 104, the words "it shall be open to."

Same article, line 105, after the word "States," strike out the words "if it shall think fit" and insert in lieu thereof the words *shall have the right*.

Same article, line 110, after the word "Commission," strike out the words "shall have power to compel the testimony of witnesses."

Same article, line 111, after the words "San Francisco," strike out the words "by application to the Circuit Court of the United States for the Ninth Circuit, which said court shall make all orders and issue all processes necessary and appropriate to that end; and, when sitting at Victoria," and insert in lieu thereof the words *or Victoria*.

Same article, line 116, strike out the word "and" and insert in lieu thereof the word *or*.

March 4, 1896.

[See p. 376.]

[Senate Report No. 402.]

Mr. Frye, from the Committee on Foreign Relations, submitted the following report:

The Committee on Foreign Relations have considered House bill 3206, and report that the bill ought to pass.

The reasons given for favorable action by the House Committee on Ways and Means commend themselves to your committee and are hereto annexed.

[House Report No. 451, Fifty-fourth Congress, first session.]

The Committee on Ways and Means, to whom was referred the bill (H. R. 3206) to amend an act entitled "An act to prevent the extermination of fur-bearing animals in Alaska, and for other purposes," have considered the same and beg leave to report:

In order to prevent the extermination of fur seals, which will soon take place unless prompt measures can be taken to prevent pelagic sealing, this bill authorizes the President to invite Great Britain, Russia, and Japan, or any of them, to unite with the United States in the appointment of a joint commission to investigate the present condition and habits of the fur-seal herd in the North Pacific Ocean and in Bering Sea, and the method of slaughtering the same, with the result of such slaughter, and report what further regulations, if any, are necessary for its preservation, with a view to their adoption and enforcement by the countries uniting in creating such commission.

Pending this investigation, the President is authorized to conclude a *modus vivendi* with said Governments, or any of them, providing for such new or additional regulations as may be deemed expedient for the preservation of the fur-seal herd, said *modus vivendi* to terminate January 1, 1898.

If, however, the President finds himself unable to secure the cooperation of Great Britain, especially, in securing the *modus vivendi* authorized by this bill, so as to protect and preserve the Alaskan seal herd for this year's sealing season, then the Secretary of the Treasury is authorized to take each and every fur seal on the Pribilof Islands, and to sell the skins of said seals as he may elect, and to cover the proceeds into the Treasury.

The necessity for this course arises from the fact that the Alaskan fur-seal herd is being rapidly exterminated by pelagic sealing vessels—mainly Canadian—which follow the seal herd as it moves along our Pacific Coast in the spring and enter Bering Sea at the end of the close season in August, when they are free, under the ineffectual regulations adopted by the Paris Tribunal, to use the spear—more deadly than the shotgun—in killing, outside of the 60-mile zone, the seals that frequent these waters in pursuit of food. As these seals are mainly females that have brought forth their young on the Pribilof Islands, the killing of the mother seals results in the starvation of the young upon the land and the inevitable rapid extinction of the fur-seal herd.

The rapidity of the decline of the valuable herd which annually resorts to the Pribilof Islands of Alaska, mainly on account of pelagic sealing, will be seen when it appears that in 1874 this herd numbered about 4,693,000. In 1890 the herd had been reduced to 1,039,000, and at the close of the season in 1895 to about 175,500—44,000 seals, mostly females, having been killed during the last season by pelagic sealers, and about 30,000 pups having died of starvation in consequence of the killing of the mother seals.

One year ago it was the estimate of experts that if all killing of seals had been stopped then it would take five years to restore it to its former numbers. It is now estimated that if regulations can be secured before the next season opens, the herd can be restored in ten years. If, however, the pelagic sealers are permitted to avail themselves of another season's opportunities for slaughter under the ineffectual regulations of the Paris Tribunal, it is believed by experts that the herd will be so nearly exterminated as to make it very difficult to restore it, and that if pelagic sealing continues, within five years not only the Alaskan herd, but also the Russian and Japanese herds, will be well-nigh extinguished.

When it is borne in mind that our Government received almost \$6,000,000 between 1870 and 1890 from the lessees who were given the exclusive privilege of annually killing 100,000 male seals above 1 year of age, and in 1890, under the new lease, \$269,673, but in 1891 only \$46,749, in 1892 only \$23,972, and since 1892 it has

received nothing (notwithstanding \$550,000 is due), because of a claim of the lessees for a reduction of rental which awaits determination by the courts, it will be seen that the Treasury is being deprived of a very valuable source of revenue by the operations of the pelagic sealers.

Not only this, but the Government expended in 1894 about \$450,000 in a vain attempt to prevent the killing of seals in Bering Sea by enforcing the inefficient regulations of the Paris Tribunal.

It will be seen, therefore, that unless Great Britain can be persuaded to unite with this country in so modifying and enlarging the regulations adopted by the Paris Tribunal—for Russia and Japan are ready to join us—the Canadian pelagic sealers will within five years completely exterminate not only the Alaskan but the Russian seal herds, and deprive this country of a valuable source of revenue and the world of a great boon. And inasmuch as all these seal skins go to London to be prepared and dyed, giving employment there to nearly 50,000 persons, even Great Britain herself will be deprived of a valuable source of income for her own people.

It is believed that it is Canada that is standing in the way and holding back Great Britain from cooperating with us in the preservation of the seal herd, and that when Canada sees that we propose to take summary measures to end not only the inhumanity that consigns thousands of young seals to slow starvation, but also the farce by which we are expending large sums of money to police Bering Sea, practically to aid her pelagic sealers in the work of exterminating seals, she will no longer endeavor to prevent England from uniting with us in efficient measures to save the seal herds to the world.

If, however, we fail in this, as we have failed under present conditions, notwithstanding we have been urging Great Britain for more than a year to unite with us in measures to preserve seal life, then considerations of mercy as well as of economy and justice demand that we should stop the further cruel starvation of thousands of seal pups by taking what seals are left and disposing of their skins and covering into the Treasury the proceeds, which would probably reach \$5,000,000.

Your committee therefore unanimously recommend the passage of the accompanying bill.

April 16, 1896.

[Senate Report No. 402, Part 2.]

Mr. Gray (for Mr. Morgan) submitted the views of the minority:

The right of property in the fur seals, when found on the Pribilof Islands, is perfect and indisputable in the United States, and this right is asserted by our statutes so as to make it exclusive in the Government even as against our own citizens.

They are as much the property of the United States while they are on those islands as any that the Government owns, and are so carefully guarded by our laws that only those persons are permitted to inhabit the seal islands who have the express permission of the Government. We have no source of revenue that is guarded with such diligent care.

The fur seals can only subsist by obtaining food from the sea, and their value and their preservation, as well as their increase, depend upon their free and safe access to the ocean.

In the ocean they find their worst enemy—one that they can not resist, or scarcely avoid—the pelagic hunter, whose license for their destruction is alleged to be upheld by the laws of nations.

In order to foil this marauding and inhuman enemy, whose work was described by Secretary Blaine as being *contra bonos mores*, and is outlawed by the universal sense of humanity, the House bill No. 3206, which passed that body and has come to the Senate, proposes to add to the enemies of the fur seals on our islands the authorized agents and officers of the United States, with authority—not a mandatory direction—to destroy them utterly.

This can only be done while they are virtually prisoners, driven to the islands by the necessities of existence, which they can no more avoid than wrecked mariners could avoid taking shelter there from a tempest in Bering Sea.

To say nothing of the total change in our policy, expressed in our laws and incorporated and confirmed by treaty engagements with Great Britain, under which the protection and preservation of the fur seals is now a duty secured by solemn agreements, it is difficult to imagine any excuse or justification for the wholesale slaughter of these valuable and docile animals by the order of the Congress of the United States.

It is not necessary to characterize such an act of this Government by any form of denunciation. The simple fact would be so inhuman as to leave no room for explanation or excuse. In this bill Congress does not ordain the extermination of these valuable animals, but provides a justification in law, but scarcely in morals, for the President or Secretary of the Treasury when it shall be determined by them that the seals shall be exterminated.

If Congress should say that the seals shall all be destroyed after the date fixed in this bill unless the Governments of Great Britain, Russia, and Japan shall before that time enter into the convention prescribed in this bill, the responsibility for the act would rest upon those who enact this law.

This responsibility is deftly avoided and its burden is cast upon the President or Secretary of the Treasury by leaving it to them to determine that the seals shall be slaughtered in default of an agreement between the four great Governments. They may or they may not so determine, so that the seals will either live or die by their decree, not by the sentence of Congress.

They can spare the seals, even if the four Governments fail to agree to a convention. Then if the seals are destroyed it will not be done by act of Congress, but by the act of a Government officer to whom Congress has attempted to delegate the power to determine whether or not the property of the Government shall be destroyed.

Aside from the question whether Congress can delegate such a power to any individual, to be exercised, at his discretion, in a future event, the embarrassment of its decision is such that Congress should never impose such a duty upon any officer of the executive department of the Government.

The motive or the crisis in government that could possibly justify such anticipatory legislation should be supreme and should demand direct action by Congress.

The reason assigned for this radical legislation is that the pelagic sealers are destroying the seal herd at such a rate that unless a convention between the United States, Great Britain, Russia, and Japan is entered into by the date stated in the bill it will be to the interest of the United States to kill all the seals, old and young, found on the islands after that date and save their pelts for our Treasury.

It is impossible to believe that the other Governments will regard this enactment in any other light than a bantering and insincere threat to urge and hasten them to the acceptance of the specific convention mentioned in the act. They will at once inquire why it is that we leave the question of destroying the seals to the discretion of the Executive after they have refused to enter into agreement with us; and in that view they will doubtless refuse to negotiate with reference to the subject.

Governments acting on equal grounds are not apt to consider overtures that are attended with threatening allusions, to say nothing of threatened results that may imperil their interests or wound their sensibilities.

Even if their interests or their pride are not involved in the conditions that are stated as the result of their refusal to accept the terms proposed in this bill, it is very doubtful if they would not be provoked into merriment, instead of compassion, at our threat that we will destroy our own property, on our own soil, if they do not agree as to our method of preserving it.

They would probably witness our tragedy of *felo-de-se* with amused indifference while we are destroying our property on land because they refuse to assist us in protecting it on the ocean.

Russia and Japan have seal islands from which they derive much profit. They are interested, as we are, in saving these valuable animals from extermination, but they would probably disdain to join us in the cruel policy of destroying them if Great Britain should still insist upon allowing her pelagic hunters to continue to rob their seal rookeries by warring upon them near their coasts.

As they are free to act, they might prefer to save their seals by some decisive assertion of their rights rather than by a petulant destruction of the seals in order to save them from American poachers, a large number of whom are citizens of the United States. Our threatened bad example, even if it is desperately sincere, is not likely to be followed by Russia or Japan.

If it can be supposed that only mercenary interests would control the action of Russia and Japan, they would find such interests promoted by the destruction of the Alaskan seal herd and the consequent increase of the value of the pelts of the western seal herds.

No such motives can be imputed to Russia or Japan, but they are quite as easy to be conceived of as the worse motive of giving their consent to a cruel act of slaughter, such as is suggested, though not probably contemplated, in this bill.

It seems to be impossible that any of the good results can be accomplished by this act which its supporters anticipate.

It is understood that our Government is engaged in diplomatic correspondence on this subject, with a prospect of a successful result, which the threats contained in this measure would be likely to interrupt.

But, under all conditions, it is a hazardous and unwise act on the part of Congress to anticipate the action of the Executive in any matter that can only be settled by diplomatic arrangement, with the concurrence of the Senate.

Congress can not prescribe in advance what shall be the terms of any international agreement; nor can they limit the action of the President as to the form or substance of any diplomatic agreement he is about to make. The jurisdiction for the control of the Executive in such matters is confined and well guarded by the Constitution.

If the President should sign this bill, he would, in effect, abdicate one of his constitutional powers, as the Senate will also, if it passes the bill, as a legislative body.

The attitude of the Government of the United States upon the subject of our fur-seal industry and the American fur-seal herd has been consistent and unvarying. It has always included, and still includes, certain rights and duties that are fully recognized by our own laws and are conceded by the treaty with Great Britain of February 27, 1892, as it has been completed by the award of the Paris Tribunal.

It can not be too firmly stated, or too often, it seems, in view of the apparent indifference to the fact, that the award of the Tribunal of Arbitration had no other purpose, result, or effect than to insert in that treaty and to secure by its sanctions the mutual and definite rights and obligations of both the high contracting powers as to which they had been unable to come to an agreement.

In this award certain rights of the United States were left undisturbed and unquestioned, the same not having been submitted to the Tribunal of Arbitration. Among these are:

1. The free and full assertion of every right and claim of right to the ownership and control of the Alaskan seal herds that the United States may choose to assert, as against any Government except Great Britain.

2. The right to regulate and restrain our own people in all their conduct in reference to fur seals in any waters of the oceans or seas, and to punish their violation of those legal restrictions.

3. The right to regulate the conduct of all persons on land and within the 3-mile limit around the Pribilof Islands, in respect of the fur seals. This right is reenforced with the additional stipulation in the Paris award that this 3-mile limit is, in effect, enlarged by the treaty, as it has been completed by the award, to 60 miles from the shores of the islands, and it also ordains a positive prohibition to all subjects of Great Britain and all citizens of the United States against the hunting of fur seals within that limit.

In this respect, also, the treaty does not apply to the subjects or citizens of any country except those of Great Britain and the United States. While this treaty, thus completed, is in force its obligation rests equally upon both Governments for the security of fur seals found within 60 miles of the shores of the islands against all pelagic hunting.

4. On the land included in the seal islands the United States reserved all the rights they had ever possessed, in full sovereignty, to make such disposition of the fur seals as they might deem proper.

These rights, admittedly, rested upon the sovereignty of the United States, and are important as to the revenue the seals would yield to the Government, the food supplies they would afford to the native inhabitants, the usefulness of the pelts of the seals to the commerce of the world, and the increase of the herds by proper regulation of their breeding grounds, and by selection, so as to cultivate the breeding stock and to augment the yield of peltries without injury to the body of the seal herd.

Added to these considerations is the sentiment of humanity, which rises to the dignity and force of a national duty, in favor of extending, as far as possible, the rights of domestication, which the laws of all civilized countries have given as a protection to all animals not ferocious in their nature as they come from their wild state within the circle of usefulness and adaptability to the wants of mankind, whenever they are placed so far under the power of human control as to be susceptible of being protected, cultivated, and increased.

All these considerations entered into the attitude of the United States in all their contentions for the right, even exclusive in its nature, to protect and preserve the seal herds. They are the basis of all our laws on that subject enacted before the award of the Paris Tribunal was made to enforce our asserted rights and since to enforce the treaty of 1862 as it was perfected by that award.

The protection of the seal herds was the sole object and purpose of the many diplomatic communications between the Governments that

led up to the treaty and to the award and to the subsequent statutes and additional regulations for their enforcement.

All these things have been done without an expression or an intimation that, at any time or under any circumstances, the United States would exert its sovereign power on the islands to destroy the seals by withdrawing their protection from them while they were on land, or by a cruel edict for their wholesale slaughter and sudden extermination.

This attitude of the United States can not, with due self-respect, be now reversed, and no alleged dereliction of the British Government will justify us in destroying the seals to get rid of alleged vexatious conduct on the part of that Government, or to retaliate upon its subjects by the destruction of an article of commerce in which their industrial classes are much interested, or in which their marauding classes find a rich reward for their raids.

If the treaty of February 29, 1892, as it is perfected and made definite and obligatory by the award of the Paris tribunal, does not answer the purpose of protecting and preserving the Alaskan seal herd, because it is insufficient for that purpose, or if it has been violated by British subjects and that Government has been indifferent to its faithful execution, the power rests with Congress to repeal it; and no higher duty can rest upon Congress than to enact its repeal after Great Britain has been warned of such an intention, if the provoking causes for such action are not removed.

The treaty and the award are one act, accomplished in part by negotiation and in part by arbitration. In no sense is the award of higher obligation than the treaty it was made to complete; and neither the award nor the treaty ever had, or could have, any higher sanction as security for faithful performance than such as attends every treaty between foreign powers.

Between such powers there is no judge who can hold either to its duty. They are necessarily left to the arbitrament of the sword as the *ultima ratio regum*.

If the treaty, as it is completed by the award, is not satisfactory to the United States, the remedy is by its abrogation, and not the violation of it by destroying the subject to which it relates.

If we may rightfully assert that our sovereignty over the seal islands empowers the United States to destroy the fur seals found upon them, and if we are ready, for any cause, thus to destroy so important an element of commerce and industry, it does not follow that our treaty engagement with Great Britain for the joint protection of the seal herds, while it remains in force, will admit of such action on our part without responsibility to that Government.

On the contrary, the consideration that moved both Governments in confiding to arbitrators the adjustment of their rights and obligations as sovereign powers, in their relations to the fur seals, was their mutual interest in the fur-seal industry and their mutual desire and purpose to protect and preserve the herds that supply the material for such important objects.

The treaty and the Paris award which completed it set forth those mutual interests and purposes as the consideration upon which the mutual obligations and duties rested. None of them included or contemplated the destruction of the seal herds in any emergency, and such destruction by either Government, or through its permission or neglect, violates the whole spirit and purpose of the treaty and the award made under its authority by the Paris tribunal.

Great Britain has the clear right to insist that this bill, if it becomes a law, is a violation of the treaty rights of that Government in respect of the fur seals.

To provide for the interests of the furriers in England, Great Britain was willing, as she professed, to have restrictions placed upon pelagic hunting of fur seals by her Canadian subjects.

She also professed to respect the interests of the United States, through whose care and expense the seal herd was sheltered from the exterminating raids and methods of pelagic hunters. She also professed to have a care for the world's commerce in this valuable natural production, and to share in the regret of the civilized nations at the extermination of the fur seals in the Southern Hemisphere through the greed of pelagic hunters.

She professed to be willing to strengthen the legal control of the seal herds by the nations to whose islands they resorted under the requirements of the laws of nature. But she insisted that she should have a voice in the regulations to be adopted for controlling pelagic hunting on the high seas.

She submitted her sovereign powers on the ocean in this matter to be adjusted concurrently with those of the United States for the security of those ends and purposes. The award declared the basis of the joint control, the ocean area to which it applied, and the regulations, as far as the tribunal could prescribe them, that were needed to secure those ends.

The two Governments agreed in their treaty as to the object they both desired to accomplish, and only disagreed as to the means of reaching it. The United States claimed the exclusive right to protect and preserve the seals upon the high seas, while Great Britain claimed that it was, as between their own people, the joint right and duty of both Governments, to be exerted under concurrent regulations.

These regulations were settled by the award of the Paris tribunal, as far as that body had the power to act, which was limited to the establishment of concurrent regulations that became in that way a part of the treaty, *nunc pro tunc*, and is mutually binding upon both Governments.

If that award did not bind the two Governments to execute the regulations so as to protect and preserve the seals, it had no possible effect. If it left either free to inflict wholesale and intended extermination upon the seals, the treaty and the award were both illusory.

If the seals should abandon our islands, as islands have been abandoned by fur-seal herds, and should establish their summer home on the islands or coasts of the British possessions in North America, it would be no strain upon our just pretensions that we should insist in that event that such a change of resort, which might only be casual or temporary, would not give to Great Britain the right to exterminate them.

The extermination of the Alaskan seal herd by either Government, with that unrighteous purpose, would be an offense against treaty obligations that either power could justly resent. An inquiry into the causes that have led to the feeling of just indignation, expressed in the tenor of this bill, as to the war upon the seal herds by the Canadians and our own people, which is working their rapid extermination, would probably result in fixing the blame upon the inefficient support of Great Britain in the execution of the regulations prescribed by the Paris tribunal.

If such delinquency is justly attributable to the British Government, or if our Government has made mistakes in agreeing to the regula-

tions to enforce the statutes which each Government has adopted to execute the award, or if the disastrous result has come from inherent defects in the treaty or in the award of the Paris tribunal, the resulting evil is not a justification for such impatient and cruel action as is proposed in this bill.

This is as far as it is now necessary to enter upon an inquiry that will disclose the just responsibility for the rapid destruction of the Alaskan seal herd. That responsibility for the recent destruction of the fur seals, as far as it is assumed in this measure, seems to be attributed to the British Government.

If that is a just conclusion of fact, it should be formulated in a complaint addressed to the British Government, and such redress should be demanded as the situation requires.

If the fault is in the award of the Paris tribunal, we ought first denounce it and free ourselves from the obligations it enjoins. Instead of that, the President has sent to the Senate a convention, recently negotiated with Great Britain, which affirms the award and the treaty under which it was rendered, and is now before the Senate for action. The passage of this bill would virtually dispense with that convention, as it would necessarily be based on the conclusion of Congress that the United States Government is no longer bound to respect the obligations of the treaty of February 29, 1892, or the award of the tribunal of arbitration by which that treaty was completed in its final and most important provisions.

JNO. T. MORGAN.

I place my opposition to this bill upon the ground that the proposed destruction of the seals by the United States is a cruel act, not to be justified even though the same result may be brought about by pelagic sealing. The measure proposed is dictated by apparent spite because some other power will destroy them in another way. It is better to take the chances that Great Britain will give to the subject kinder and more generous treatment and join with the United States in making new regulations to preserve seal life.

JOHN SHERMAN.

FIFTY-FOURTH CONGRESS, SECOND SESSION.

January 6, 1897.

Mr. Sherman made the following report:

The Committee on Foreign Relations, to whom was referred the convention between the United States and the Argentine Republic for the extradition of criminals, signed September 26, 1896, having had the same under consideration, beg leave to report it to the Senate with the recommendation that it be amended as follows:

Article II, subarticle 11, paragraph (a), after the word "piracy," insert the words *by the law of nations*;

At the end of Article III add the following: *But neither Government shall be bound to deliver its own citizens for extradition under this convention*;

And that the Senate advise and consent to the ratification of the said convention as so amended.

January 6, 1897.

Mr. Sherman made the following report:

The Committee on Foreign Relations, to whom was referred the convention between the United States and the Orange Free State for the extradition of criminals, signed October 28, 1896, having considered the same, beg leave to report it back to the Senate with the following amendments:

Article II, subarticle 11, paragraph (a), after the word "piracy," strike out the words "by statute or;"

Article V, after the word "shall," insert the words *not be bound to*;

Article VI, paragraph 1, after the words "or if," strike out the words "he proves," and insert in lieu thereof the words *it shall be made to appear*;

And that the Senate do advise and consent to the ratification of the said convention as so amended.

February 1, 1897.

Mr. Sherman made the following report:

The Committee on Foreign Relations, to whom was referred the treaty between the United States and Great Britain for the arbitration of matters in difference between the two countries, signed at Washington, January 11, 1897, having had the same under consideration, beg leave to report the treaty back to the Senate with the following amendment:

At the end of Article I add the following: *But no question which affects the foreign or domestic policy of either of the high contracting parties, or the relations of either to any other State or power, by treaty or otherwise, shall be a subject for arbitration under this treaty, except by special agreement*;

And that the Senate do advise and consent to the ratification of the said convention as so amended.

February 13, 1897.

Mr. Turpie made the following report:

The Committee on Foreign Relations, having further carefully considered the treaty between the United States and Great Britain for the arbitration of matters in difference between the two countries, signed at Washington, January 11, 1897, and the amendment to said treaty reported from the committee on the 1st of February, beg leave to report, as a substitute for said amendment, the following:

At the end of Article I add the following: *But said agreement to submit, together with its formulations in every case, before its final execution shall be referred to and shall be approved by, the President and Senate of the United States and Her Britannic Majesty*;

And the committee recommend that the said treaty be advised and consented to with the foregoing amendment.

FIFTY-FIFTH CONGRESS, FIRST SESSION.

March 17, 1897.

[Senate Report, Executive D.]

Mr. Davis, from the Committee on Foreign Relations, made the following report:

The Committee on Foreign Relations, to whom was referred the treaty between the United States and Great Britain for the arbitration of matters in difference between the two countries, signed at Washington January 11, 1897, having had the same under consideration, beg to report it to the Senate in the following amended form, and to recommend its ratification as amended by your committee.

Strike out the parts in brackets [] and insert the parts printed in *italics*.

1 The United States of America and her Majesty the Queen of
2 the United Kingdom of Great Britain and Ireland, being desirous
3 of consolidating the relations of Amity which so happily exist
4 between them and of consecrating by Treaty the principle of
5 International Arbitration, have appointed for that purpose as
6 their respective Plenipotentiaries:

7 The President of the United States of America, the Honourable
8 Richard Olney, Secretary of State of the United States; and

9 Her Majesty the Queen of the United Kingdom of Great Britain
10 and Ireland, the Right Honourable Sir Julian Pauncefote, a Mem-
11 ber of Her Majesty's Most Honourable Privy Council, Knight
12 Grand Cross of the Most Honourable Order of the Bath and of the
13 Most Distinguished Order of St. Michael and St. George and Her
14 Majesty's Ambassador Extraordinary and Plenipotentiary to the
15 United States,

16 Who, after having communicated to each other their respective
17 Full Powers, which were found to be in due and proper form, have
18 agreed to and concluded the following Articles:

19 ARTICLE I.

20 The High Contracting Parties agree to submit to Arbitration
21 in accordance with the provisions and subject to the limitations
22 of this Treaty all questions in difference between them which they
23 may fail to adjust by diplomatic negotiation, *and any agreement to*
24 *submit, together with its formulations, shall, in every case, before it*
25 *becomes final, be communicated by the President of the United States*
26 *to the Senate with his approval, and be concurred in by two-thirds*
27 *of the Senators present, and shall also be approved by Her Majesty*
28 *the Queen of the United Kingdom of Great Britain and Ireland.*

29 ARTICLE II.

30 All pecuniary claims or groups of pecuniary claims which do not
31 in the aggregate exceed £100,000 in amount, and which do not
32 involve the determination of territorial claims, shall be dealt with
33 and decided by an Arbitral Tribunal constituted as provided in
34 the next following Article.

35 In this Article and in Article IV the words "groups of pecuniary
36 claims" mean pecuniary claims by one or more persons arising out
37 of the same transactions or involving the same issues of law and
38 of fact.

39

ARTICLE III.

40 **[Each of the High Contracting Parties shall nominate one arbi-**
 41 **trator who shall be a jurist of repute and the two arbitrators so**
 42 **nominated shall within two months of the date of their nomina-**
 43 **tion select an umpire.]**

44 *Each of the High Contracting Parties shall nominate two Arbi-*
 45 *trators who shall be jurists of repute, and the two nominated by the*
 46 *President of the United States shall be appointed by and with the*
 47 *advice and consent of the Senate, and the four Arbitrators shall,*
 48 *within two months from the date of their appointment, select an*
 49 *umpire. In case they shall fail to do so within the limit of time*
 50 *above mentioned, the umpire shall be appointed by agreement*
 51 *between the Members for the time being of the Supreme Court of*
 52 *the United States and the Members for the time being of the*
 53 *Judicial Committee of the Privy Council in Great Britain each*
 54 *nominating body acting by a majority. [In case they shall fail*
 55 *to agree upon an umpire within three months of the date of an*
 56 *application made to them in that behalf by the High Contracting*
 57 *Parties or either of them, the umpire shall be selected in the*
 58 *manner provided for in Article X.]*

59 The **[person]** *umpire* so selected shall be the President of the
 60 Tribunal and the award of the majority of the Members thereof
 61 shall be final.

62

ARTICLE IV.

63 All pecuniary claims or groups of pecuniary claims which shall
 64 exceed £100,000 in amount and all other matters in difference, in
 65 respect of which either of the High Contracting Parties shall have
 66 rights against the other under Treaty or otherwise, provided that
 67 such matters in difference do not involve the determination of ter-
 68 ritorial claims, shall be dealt with and decided by an Arbitral
 69 Tribunal, constituted as provided in the next following Article.

70

ARTICLE V.

71 Any subject of Arbitration described in Article IV shall be sub-
 72 mitted to the Tribunal provided for by Article III, the award of
 73 which Tribunal, if unanimous, shall be final. If not unanimous
 74 either of the High Contracting Parties may within six months
 75 from the date of the award demand a review thereof. In such
 76 case the matter in controversy shall be submitted to an Arbitral
 77 Tribunal consisting of five jurists of repute, no one of whom shall
 78 have been a member of the Tribunal whose award is to be reviewed
 79 and who shall be selected as follows, viz:—**[two by each of the**
 80 **High Contracting Parties and, one to act as umpire, by the four**
 81 **thus nominated and to be chosen within three months after the**
 82 **date of their nomination]** *two by Her Majesty the Queen of the*
 83 *United Kingdom of Great Britain and Ireland, two to be nomi-*
 84 *nated by the President of the United States, and appointed by and*
 85 *with the advice and consent of the Senate, and one to act as umpire,*
 86 *to be chosen by the four thus nominated within three months after*
 87 *the date of their nomination. In case they shall fail to choose an*
 88 *umpire within the limit of time above-mentioned, the umpire shall*
 89 *be appointed by agreement between the Nominating Bodies desig-*
 90 *nated in Article III acting in the manner therein provided. [In*

case they shall fail to agree upon an umpire within three months of the date of an application made to them in that behalf by the High Contracting Parties or either of them, the umpire shall be selected in the manner provided for in Article X.]

The [person] *umpire* so selected shall be the President of the Tribunal and the award of the majority of the members thereof shall be final.

ARTICLE VI.

Any controversy which shall involve the determination of territorial claims shall be submitted to a Tribunal composed of six members three of whom (subject to the provisions of Article VIII) shall be [Judges of the Supreme Court of the United States or Justices of the Circuit Courts] *jurists of repute*, to be nominated by the President of the United States *and appointed by and with the advice and consent of the Senate*, and the other three of whom, (subject to the provisions of Article VIII) shall be Judges of the British Supreme Court of Judicature or Members of the Judicial Committee of the Privy Council to be nominated by Her Britannic Majesty, whose award by a majority of not less than five to one shall be final. In case of an award made by less than the prescribed majority, the award shall also be final unless either Power shall, within three months after the award has been reported protest that the same is erroneous, in which case the award shall be of no validity.

In the event of an award made by less than the prescribed majority and protested as above provided, or if the members of the Arbitral Tribunal shall be equally divided, there shall be no recourse to hostile measures of any description until the mediation of one or more friendly Powers has been invited by one or both of the High Contracting Parties.

ARTICLE VII.

Objections to the jurisdiction of an Arbitral Tribunal constituted under this Treaty shall not be taken except as provided in this Article.

If before the close of the hearing upon a claim submitted to an Arbitral Tribunal constituted under Article III or Article V either of the High Contracting Parties shall move such Tribunal to decide, and thereupon it shall decide that the determination of such claim necessarily involves the decision of a disputed question of principle of grave general importance affecting the national rights of such party as distinguished from the private rights whereof it is merely the international representative, the jurisdiction of such Arbitral Tribunal over such claim shall cease and the same shall be dealt with by arbitration under Article VI.

ARTICLE VIII.

In cases where the question involved is one which concerns a particular State or Territory of the United States, it shall be open to the President of the United States to appoint *by and with the advice and consent of the Senate*, a judicial officer of such

141 State or Territory to be one of the Arbitrators under Article III
142 or Article V or Article VI.

143 In like manner in cases where the question involved is one
144 which concerns a British Colony or possession, it shall be open
145 to Her Britannic Majesty to appoint a judicial officer of such
146 Colony or possession to be one of the Arbitrators under Article
147 III or Article V or Article VI.

148 ARTICLE IX.

149 Territorial claims in this Treaty shall include all claims to ter-
150 ritory and all claims involving questions of servitudes, rights of
151 navigation and of access, fisheries and all rights and interests
152 necessary to the control and enjoyment of the territory claimed
153 by either of the High Contracting Parties.

154 [ARTICLE X.]

155 [If in any case the nominating bodies designated in Articles III
156 and V shall fail to agree upon an Umpire in accordance with the
157 provisions of the said Articles, the Umpire shall be appointed by
158 His Majesty the King of Sweden and Norway.

159 Either of the High Contracting Parties, however, may at any
160 time give notice to the other that, by reason of material changes
161 in conditions as existing at the date of this Treaty, it is of opinion
162 that a substitute for His Majesty should be chosen either for all
163 cases to arise under the Treaty or for a particular specified case
164 already arisen, and thereupon the High Contracting Parties shall
165 at once proceed to agree upon such substitute to act either in all
166 cases to arise under the Treaty or in the particular case specified
167 as may be indicated by said notice; provided, however, that such
168 notice shall have no effect upon an Arbitration already begun by
169 the constitution of an Arbitral Tribunal under Article III.

170 The High Contracting Parties shall also at once proceed to nom-
171 inate a substitute for His Majesty in the event that His Majesty
172 shall at any time notify them of his desire to be relieved from
173 the functions graciously accepted by him under this Treaty either
174 for all cases to arise thereunder or for any particular specified
175 case already arisen.]

176 ARTICLE XI.

177 In case of the death, absence or incapacity to serve of any Arbi-
178 trator or Umpire, or in the event of any Arbitrator or Umpire
179 omitting or declining or ceasing to act as such, another Arbitrator
180 or Umpire shall be forthwith appointed in his place and stead in
181 the manner provided for with regard to the original appointment.

182 ARTICLE XII.

183 Each Government shall pay its own agent and provide for the
184 proper remuneration of the counsel employed by it and of the
185 Arbitrators appointed by it and for the expense of preparing and
186 submitting its case to the Arbitral Tribunal. All other expenses
187 connected with any Arbitration shall be defrayed by the two
188 Governments in equal moieties.

189 Provided, however, that, if in any case the essential matter of
190 difference submitted to arbitration is the right of one of the High
191 Contracting Parties to receive disavowals of or apologies for acts
192 or defaults of the other not resulting in substantial pecuniary
193 injury, the Arbitral Tribunal finally disposing of the said matter
194 shall direct whether any of the expenses of the successful party
195 shall be borne by the unsuccessful party, and if so to what extent.

196 ARTICLE XIII.

197 The time and place of meeting of an Arbitral Tribunal and all
198 arrangements for the hearing and all questions of procedure shall
199 be decided by the Tribunal itself.

200 Each Arbitral Tribunal shall keep a correct record of its pro-
201 ceedings and may appoint and employ all necessary officers and
202 agents.

203 The decision of the Tribunal shall, if possible, be made within
204 three months from the close of the arguments on both sides.

205 It shall be made in writing and dated and shall be signed by
206 the Arbitrators who may assent to it.

207 The decision shall be in duplicate, one copy whereof shall be
208 delivered to each of the High Contracting Parties through their
209 respective agents.

210 ARTICLE XIV.

211 This Treaty shall remain in force for five years from the date
212 at which it shall come into operation, and further until the expi-
213 ration of twelve months after either of the High Contracting Par-
214 ties shall have given notice to the other of its wish to terminate
215 the same.

216 ARTICLE XV.

217 The present Treaty shall be duly ratified by the President of
218 the United States of America, by and with the advice and con-
219 sent of the Senate thereof and by Her Britannic Majesty; and
220 the mutual exchange of ratifications shall take place in Wash-
221 ington or in London within six months of the date hereof or
222 earlier if possible.

223 In faith whereof, we, the respective Plenipotentiaries, have
224 signed this Treaty and have hereunto affixed our seals.

225 Done in duplicate at Washington, the 11th day of January, 1897.

226 RICHARD OLNEY. [L. S.]
227 JULIAN PAUNCEFOTE. [L. S.]

Message from the President of the United States, transmitting to the Senate, in response to its resolution of January 13, 1897, the correspondence between the United States and Great Britain relative to the treaty of arbitration pending in the Senate.

To the Senate of the United States:

I transmit herewith, in response to the resolution of the Senate of January 13, 1897, requesting the President, "if it is not in his opinion incompatible with the public interests, to send to the Senate all the

correspondence between the United States and Great Britain, and other powers, relating to the treaty of arbitration now pending in the Senate," a report from the Secretary of State, with accompanying papers.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, January 18, 1897.

DEPARTMENT OF STATE,
Washington, January 15, 1897.

The PRESIDENT:

I have the honor to hand you herewith, to be sent to the Senate if not in your judgment incompatible with the public interests, all the correspondence between the United States and Great Britain relative to the treaty of arbitration now pending in the Senate.

No correspondence on the subject of the treaty has taken place with other powers.

Respectfully,

RICHARD OLNEY,
Secretary of State.

CORRESPONDENCE.

Lord Salisbury to Sir Julian Pauncefote.

No. 65.]

FOREIGN OFFICE, *March 5, 1896.*

SIR: In the spring of last year communications were exchanged between your excellency and the late Mr. Gresham upon the establishment of a system of international arbitration for the adjustment of disputes between the two Governments. Circumstances, to which it is unnecessary to refer, prevented the further consideration of the question at that time.

But it has again been brought into prominence by the controversy which has arisen upon the Venezuelan boundary. Without touching upon the matters raised by that dispute, it appears to me that the occasion is favorable for renewing the general discussion upon a subject in which both nations feel a strong interest, without having been able up to this time to arrive at a common ground of agreement. The obstacle which has separated them has been the difficulty of deciding how far the undertaking to refer all matters in dispute is to be carried. On both sides it is admitted that some exceptions must be made.

Neither Government is willing to accept arbitration upon issues in which the national honor or integrity is involved. But in the wide region that lies within this boundary the United States desires to go further than Great Britain.

For the view entertained by Her Majesty's Government there is this consideration to be pleaded, that a system of arbitration is an entirely novel arrangement, and, therefore, the conditions under which it should be adopted are not likely to be ascertained antecedently. The limits ultimately adopted must be determined by experiment. In the interests of the idea and of the pacific results which are expected from it, it would be wise to commence with a modest beginning, and not to

hazard the success of the principle by adventuring it upon doubtful ground. The suggestion in the heads of treaty which I have inclosed to your excellency will give an opportunity for observing more closely the working of the machinery, leaving it entirely open to the contracting parties, upon favorable experience, to extend its application further, and to bring under its action controversies to which for the present it can only be applied in a tentative manner and to a limited extent.

Cases that arise between States belong to one of two classes. They may be private disputes in respect to which the State is representing its own subjects as individuals, or they may be issues which concern the State itself considered as a whole. A claim for an indemnity or for damages belongs generally to the first class; a claim to territory or sovereign rights belongs to the second. For the first class of differences the suitability of international arbitration may be admitted without reserve. It is exactly analogous to private arbitration, and there is no objection to the one that would not apply equally to the other. There is nothing in cases of this class which would make it difficult to find capable and impartial arbitrators. But the other class of disputes stands on a different footing. They concern the State in its collective capacity, and all the members of each State and all other States who wish it well are interested in the issue of the litigation. If the matter in controversy is important, so that defeat is a serious blow to the credit or the power of the litigant who is worsted, that interest becomes a more or less keen partisanship. According to their sympathies, men wish for the victory of one side or another.

Such conflicting sympathies interfere most formidably with the choice of an impartial arbitrator. It would be too invidious to specify the various forms of bias by which, in any important controversy between two great powers, the other members of the commonwealth of nations are visibly affected. In the existing condition of international sentiment, each great power could point to nations whose admission to any jury by whom its interests were to be tried it would be bound to challenge, and in a litigation between two great powers the rival challenges would pretty well exhaust the catalogue of the nations from whom competent and suitable arbiters could be drawn. It would be easy, but scarcely decorous, to illustrate this statement by examples. They will occur to anyone's mind who attempts to construct a panel of nations, capable of providing competent arbitrators, and will consider how many of them would command equal confidence from any two litigating powers.

This is the difficulty which stands in the way of unrestricted arbitration. By whatever plan the tribunal is selected, the end of it must be that issues in which the litigant States are most deeply interested will be decided by the vote of one man, and that man a foreigner. He has no jury to find his facts; he has no court of appeal to correct his law, and he is sure to be credited, justly or not, with a leaning to one litigant or the other. Nations can not afford to run such a risk in deciding controversies by which their national position may be affected or a number of their fellow-subjects transferred to a foreign rule.

The plan which is suggested in the appended draft treaty would give a court of appeal from the single voice of the foreign judge. It would not be competent for it to alter or reverse the umpire's decision, but, if his judgment were not confirmed by the stipulated majority, it would not stand. The court would possess the highest guaranty for impartiality which a court belonging to the two litigating nations

could possess. Its operation in arresting a faulty or doubtful judgment would make it possible to refer great issues to arbitration without the risk of a disastrous miscarriage of justice.

I am aware that to the warmer advocates of arbitration this plan will seem unsatisfying and imperfect, but I believe that it offers an opportunity of making a substantial advance which a more ambitious arrangement would be unable to secure; and if, under its operation, experience should teach us that our apprehensions as to the danger of reposing an unlimited confidence in this kind of tribunal are unfounded, it will be easy, by dropping precautions that will have become unnecessary, to accept and establish the idea of arbitration in its most developed form.

I beg that you will read this dispatch and the appended draft treaty to the Secretary of State and leave him a copy if he desires it.

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[Enclosure.]

HEADS OF A TREATY FOR ARBITRATION IN CERTAIN CASES.

1. Her Britannic Majesty and the President of the United States shall each appoint two or more permanent judicial officers for the purposes of this treaty; and on the appearance of any difference between the two powers which, in the judgment of either of them, can not be settled by negotiation, each of them shall designate one of the said officers as arbitrator: and the two arbitrators shall hear and determine any matter referred to them in accordance with this treaty.

2. Before entering on such arbitration the arbitrators shall select an umpire, by whom any question upon which they disagree, whether interlocutory or final, shall be decided. The decision of such umpire upon any interlocutory question shall be binding upon the arbitrators. The determination of the arbitrators or, if they disagree, the decision of the umpire shall be the award upon the matters referred.

3. Complaints made by the nationals of one power against the officers of the other; all pecuniary claims or groups of claims amounting to not more than £100,000, made on either power by the nationals of the other, whether based on an alleged right by treaty or agreement or otherwise; all claims for damages or indemnity under the said amount; all questions affecting diplomatic or consular privileges; all alleged rights of fishery, access, navigation or commercial privilege, and all questions referred by special agreement between the two parties shall be referred to arbitration in accordance with this treaty, and the award thereon shall be final.

4. Any difference in respect to a question of fact or of international law, involving the territory, territorial rights, sovereignty or jurisdiction of either power, or any pecuniary claim or group of claims of any kind, involving a sum larger than £100,000, shall be referred to arbitration under this treaty. But if in any such case, within three months after the award has been reported, either power protests that such award is erroneous in respect to some issue of fact or some issue of international law, the award shall be reviewed by a court composed of three of the judges of the supreme court of Great Britain and three of the judges of the Supreme Court of the United States; and if the said court shall determine after hearing the case, by a majority of not less than five to one, that the said issue has been rightly determined, the award shall stand and be final, but in default of such determination it shall not be valid. If no protest is entered by either power against the award within the time limited it shall be final.

5. Any difference which, in the judgment of either power, materially affects its honor or the integrity of its territory, shall not be referred to arbitration under this treaty except by special agreement.

6. Any difference whatever, by agreement between the two powers, may be referred for decision by arbitration, as herein provided, with the stipulation that unless accepted by both powers the decision shall not be valid.

The time and place of their meeting and all arrangements for the hearing, and all questions of procedure, shall be decided by the arbitrators or by the umpire if need be.

Mr. Olney to Sir Julian Pauncefote.

No. 365.]

DEPARTMENT OF STATE,
Washington, April 11, 1896.

EXCELLENCY: I have the honor to acknowledge the receipt at your hands of the copy of Lord Salisbury's dispatch of March 5, 1896. His lordship, after recurring to the negotiations of last year between himself and the late Secretary Gresham for the establishment of a general system of arbitration of disputes between the two Governments, and after in terms excluding from consideration the Venezuelan boundary dispute, expresses the opinion that the time is favorable for renewing discussion upon the subject. He thereupon proceeds to make a most interesting contribution to such discussion, which he concludes by submitting the draft of a proposed treaty, a copy of which, for convenience of reference, is annexed to this communication.¹

It is proper to state at the outset that these proposals of Her Majesty's prime minister are welcomed by the President with the keenest appreciation of their value and the enlightened and progressive spirit which animates them. So far as they manifest a desire that the two great English-speaking peoples of the world shall remain in perpetual peace, he reciprocates that desire on behalf of the Government and people of the United States. To himself personally nothing could bring greater satisfaction than to be instrumental in the accomplishment of an end so beneficent.

If Lord Salisbury's draft had stopped with article 3 no criticism could have been made either of the arbitral machinery provided or of the arbitral subjects enumerated, except that the latter seem to be so cautiously restricted as hardly to cover other than controversies which, as between civilized States, could almost never endanger their peaceful relations. But article 3, as well as article 4, is apparently qualified by the provisions of article 5, since the national honor may sometimes be involved even in a claim for indemnity to an individual. Further, the arbitral machinery provided by article 4 is open to serious objection as not securing an end of the controversy unless an award is concurred in by at least five out of the six appellate arbiters. In calling attention to these features of the scheme as largely restricting its value, I am directed by the President to propose as a substitute for articles 4 and 5 the following:

IV. Arbitration under this treaty shall also be obligatory in respect of all questions now pending or hereafter arising, involving territorial rights, boundaries, sovereignty, or jurisdiction, or any pecuniary claim or group of claims aggregating a sum larger than £100,000, and in respect of all controversies not in this treaty specially described: *Provided, however,* That either the Congress of the United States on the one hand, or the Parliament of Great Britain on the other, at any time before the arbitral tribunal shall have convened for the consideration of any particular subject matter, may by act or resolution declaring such particular subject matter to involve the national honor or integrity, withdraw the same from the operation of this treaty: *And provided further,* That if a controversy shall arise when either the Congress of the United States or the Parliament of Great Britain shall not be in session, and such controversy shall be deemed by Her Britannic Majesty's Government, or by that of the United States acting through the President, to be of such nature that the international honor or integrity may be involved, such difference or controversy shall not be submitted to arbitration under this treaty until the Congress and the Parliament shall have had opportunity to take action thereon.

¹For this draft see "inclosure" to Lord Salisbury's dispatch of March 5, 1896.

In the case of controversies provided for by this article, the award shall be final if concurred in by all the arbitrators. If assented to by a majority only, the award shall be final unless one of the parties, within three months from its promulgation, shall protest in writing to the other that the award is erroneous in respect of some issue of fact or of law. In every such case the award shall be reviewed by a court composed of three of the judges of the supreme court of Great Britain and three of the judges of the Supreme Court of the United States, who, before entering upon their duties, shall agree upon three learned and impartial jurists to be added to said court in case they shall be equally divided upon the award to be made. To said court there shall be submitted a record in full of all the proceedings of the original arbitral tribunal, which record, as part thereof, shall include the evidence adduced to such tribunal. Thereupon the said court shall proceed to consider said award upon said record, and may either affirm the same or make such other award as the principles of law applicable to the facts appearing by said record shall warrant and require; and the award so affirmed or so rendered by said court, whether unanimously or by a majority vote, shall be final. If, however, the court shall be equally divided upon the subject of the award to be made, the three jurists agreed upon as hereinbefore provided shall be added to the said court; and the award of the court so constituted, whether rendered unanimously or by a majority vote, shall be final.

The considerations which, in the opinion of the President, render the foregoing amendments of Lord Salisbury's scheme more desirable, and perhaps indispensable, may be briefly stated:

1. The scheme, as thus amended, makes all disputes *prima facie* arbitrable.

Each, as it may arise, will go before the arbitral tribunal unless affirmative action by the Congress or by the Parliament displaces the jurisdiction.

2. The scheme, as amended, puts where they belong the right and power to decide whether an international claim is of such nature and importance as not to be arbitrable, and as to demand assertion, if need be, by force of arms.

The Administration in authority when a serious international controversy arises must, in the nature of things, be often exposed to influences not wholly favorably to an impartial consideration of the nature of that controversy.

It may always be more or less controlled by personal predilections and prejudices inherent in the controversy or arising in its progress, while considerations connected with party success or failure are factors not likely to be wholly eliminated in determining upon a particular course of action.

It is able to decide in haste—to view the honor of the country as not distinguishable from the good of its party—and to act without the advantage of a full discussion of the subject in all its aspects by party opponents as well as by party friends.

On the other hand, if the issue between war and arbitration be left to the supreme legislative tribunal of the country—to Congress on the one hand or Parliament on the other—there will be ample time for deliberation and for full investigation and debate of the subject in all its bearings, while it is in the face of such an issue and of all its responsibilities that mere party interests are most likely to be subordinated to those of the country at large.

A more conclusive consideration in this connection, however, remains to be stated. It is that, if war and not arbitration is to be evoked in settlement of an international controversy, the direct representatives of the people, at whose cost and suffering the war must be carried on, should properly be charged with the responsibility of making it.

3. The scheme, as amended, changes the arbitration machinery

provided by article 4 of Lord Salisbury's draft in important particulars.

In the first place, the award of the original tribunal of arbitration, if the arbiters are unanimous, is to be final, and the appellate tribunal is to give its decision in view of the record and proceedings (including any evidence adduced) of such original tribunal. It is hardly consistent with any reasonable theory of arbitration that an award concurred in by the arbiter of the defeated country should be appealable by that country. It is obvious, too, that the parties may properly be required to present all their facts and evidence to the original tribunal. Otherwise, and if the award is appealable in any event, the original tribunal might as well be dispensed with, since each party will be sure to make its real contest before the appellate tribunal alone.

In the second place, by the scheme as amended an award is the result of each arbitration, so that the controversy is finally ended. Under the draft as proposed, on the other hand, there will be an award only in the rare cases in which the six appellate arbiters favor it, either unanimously or by a majority of five to one. Such an arrangement, it is believed, would be dangerous and rather mischievous than salutary in its operation. In all the cases in which the arbitrators were equally divided, or stood four to two, public feeling in each country would have been aroused by the protracted discussions and proceedings, and the chances of a peaceful outcome would be rather prejudiced than promoted. That would be the almost certain result in cases in which the arbiters stood four to two, and in which one judge of the highest court of his country had found himself compelled to give his vote in favor of the other country.

It is a possibility to be noted that the party defeated and disappointed by the award of the original tribunal, in a case where the stake is large and the public feeling intense, might find itself under irresistible temptation to make all subsequent proceedings purely farcical by making sure, before their selection, of the sentiments of two at least of the appellate arbiters.

It is submitted that precaution becomes excessive when the entire arbitration proceedings are made abortive unless the tribunal of six judges reaches an award by a majority of at least five to one. If they stand four to two—which means that at least one judge of the highest court of this country believes that country's claim to be ill founded—it is hardly reasonable to insist that the result should not be accepted and made effective.

It is believed, also, that there can be no arbitration, in the true sense, without a final award, and that it may be better to leave controversies to the usual modes of settlement than to enter upon proceedings which are arbitral only in name and which are likely to have no other result than to excite and exasperate public feeling in both countries.

It is objected by Lord Salisbury that to insist upon the finality of an award upon the controversies described in article 4 is to enable a single foreign jurist to decide matters of great international consequence.

But under article 4 as amended the members added to the appellate tribunal need not be foreigners, and, if foreigners and they control the result, it must be by the votes of at least two of them.

It may be pointed out, too, that if bias on the part of foreign jurists is feared, the United States, being without alliances with any of the countries of Europe, is certainly not the party to expect any advan-

tage from that source. Great Britain could at least not fail to know in what quarters friendliness or unfriendliness might be looked for.

It is believed that the risks anticipated from the powers given to a foreign jurist as arbiter or umpire under article 4 as amended, if not purely imaginary, may be easily exaggerated. Before the foreign jurist could act, the questions in dispute would have been thoroughly canvassed and decided, once at least, and perhaps twice; so that the risks in question may fairly be regarded as reduced to a minimum.

Finally, to insist upon an arbitration scheme so constructed that miscarriages of justice can never occur is to insist upon the unattainable, and is equivalent to a relinquishment altogether of the effort in behalf of a general system of international arbitration. An approximation to truth—results which, on the average and in the long run, conform to right and justice—is all that the “lot of humanity” permits us to expect from any plan. Not to surround an arbitration plan with all reasonably practicable safeguards against failures of justice would undoubtedly be the height of unwisdom. But beyond that, human skill and intelligence are without avail, while for actual results dependence must be placed upon the patient hearing and deliberate decision of a tribunal whose proceedings will attract the close attention and careful scrutiny of the civilized world. It may be conceded that a general arbitration scheme not perfected through repeated arbitration experiments entails the risks of erroneous awards. But in this, as in human affairs generally, there is but a choice between evils, and the nonexistence of any arbitration scheme entails the far greater risks of controversies which should be arbitrated being settled by the sword.

It would seem to be the part of wisdom, therefore, to establish the principle of general arbitration even at the risk of the development of defects in the scheme originally adopted. The affirmation of the principle would of itself tend to greatly diminish the chances of a resort to war; while the imperfections of the scheme as disclosed by its actual working would be remediable at any time by the consent of the parties. That they would be so remedied, in fact, it is difficult not to believe, since a principle of such great value being once established, it is wholly unlikely that both parties would not desire to perpetuate its operation, and would not therefore be prepared to consent to reasonable changes in the necessary machinery. It would tend to insure such consent if the treaty were made terminable after a short term of years on notice by either party.

It only remains to observe that if article 4, as amended, should prove acceptable, no reason is perceived why the pending Venezuelan boundary dispute should not be brought within the treaty by express words of inclusion. If, however, no treaty for general arbitration can be now expected, it can not be improper to add that the Venezuelan boundary dispute seems to offer a good opportunity for one of those tentative experiments at arbitration which, as Lord Salisbury justly intimates, would be of decided advantage as tending to indicate the lines upon which a scheme for general arbitration can be judiciously drawn.

Begging that this communication—copy of which is inclosed for that purpose—may be brought to Lord Salisbury's attention at your earliest convenience, I avail myself of this opportunity to renew to your excellency the assurances of my highest consideration.

RICHARD OLNEY.

Lord Salisbury to Sir Julian Pauncefote.

No. 128.]

FOREIGN OFFICE, *May 18, 1896.*

SIR: I have to acknowledge your excellency's dispatch of the 13th ultimo, inclosing a note from Mr. Olney in reply to the proposals made by Her Majesty's Government for a general treaty of arbitration.

Her Majesty's advisers have received Mr. Olney's dispatch with great satisfaction, in that it testifies clearly to the earnest desire which animates the Government of the United States to make effective provision for removing all differences of opinion which can arise between the two nations. They regret that in some essential particulars the opinions of the two Governments do not as yet seem to be sufficiently in accord to enable them to come to a definite agreement upon the whole of this important subject. It appears to them, however, that there are some considerations bearing upon this matter to which the attention of the Government of the United States should be more particularly invited before the attempt to arrive at a general understanding ought to be laid aside.

I would say, in the first place, that Mr. Olney somewhat mistakes my meaning when he says that in raising this question I "in terms excluded the consideration of the Venezuelan boundary dispute." I wished to state our views upon the question of general arbitration without touching upon certain points in relation to which the two questions do not cover the same field; but I was well aware that any settlement to which we might arrive must, in its general principles, be applicable to disputes, not only between Great Britain and the United States, but between either of them and any other government, and therefore, with certain adaptations of detail, it would apply to a dispute between Great Britain and Venezuela. In this view I am glad to observe that I am at one with Mr. Olney, because I hold that in discussing the safeguards by which a general system of arbitration should be sanctioned it is important to bear in mind that any system adopted between our two nations ought to be such as can in principle be applied, if necessary, to their relations with other civilized countries.

Mr. Olney is satisfied with the provisions of Article III of my proposals and the plan of arbitration which it contains.¹ The only fault he finds with them is that they are too limited in their application. He thinks that they "hardly cover other than controversies which as between civilized States could almost never endanger their peaceful relations." It is possible that the language of the article may be modified with advantage. It certainly was not intended to apply only to controversies of a practically unimportant character. The discussions which arise out of disputed claims to territory, which are dealt with in Article IV, are, or may be, much graver, as well as much more difficult to decide. But it would not, I think, be difficult to show by a consideration of the history of the present century that controver-

¹Article III runs as follows: "III. Complaints made by the nationals of one power against the officers of the other; all pecuniary claims, or groups of claims, amounting to not more than £100,000, made on either power by the nationals of the other, whether based on an alleged right by treaty or agreement or otherwise; all claims for damages or indemnities under the said amount; all questions affecting diplomatic or consular privileges; all alleged rights of fishery, access, navigation, or commercial privilege; and all questions referred by special agreement between the two parties shall be referred to arbitration in accordance with this treaty; and the awards thereon shall be final."

sies which have issued in warlike action have not arisen exclusively or even mainly from disputed questions of territorial ownership.

To examine the individual instances would involve a somewhat lengthy investigation, which is not necessary now. It is more material on the present occasion to dwell upon the encouraging fact that Her Majesty's Government and the Government of the United States are entirely agreed in approving the language of article No. 3 and the policy it is designed to sanction. Under these circumstances it appears to me to be a matter for regret that the two Governments should now neglect the opportunity of embodying their common view, so far as it is ascertained, in a separate convention. To do so would not be to prejudice in the slightest degree the chance of coming to an agreement on the more difficult portion of the subject which concerns territorial claims. The first step would not prevent the ulterior steps being taken; it would rather lead to them.

With respect to the mode of dealing with territorial claims, the views of the two Governments are still apart. The United States Government wish that every claim to territory preferred by one neighbor against another shall go, as of right, before a tribunal, or tribunals, of arbitration, save in certain special cases of an exceptional character, which are to be solemnly declared by the legislature of either country to involve the "national honor or integrity;" and that any dispute once referred under the treaty to arbitration shall be decided finally and irrevocably, without the reservation of any further powers to either party to interfere. Her Majesty's Government are not prepared for this complete surrender of their freedom of action until fuller experience has been acquired. In their view, obligatory arbitration on territorial claims is, in more than one respect, an untried plan, of which the working is consequently a matter of conjecture. In the first place, the number of claims which would be advanced under such a rule is entirely unknown. Arbitration in this matter has as yet never been obligatory. Claims by one neighbor to a portion of the land of the other have hitherto been limited by the difficulty of enforcing them. Hitherto, if pressed to the end, they have meant war.

Under the proposed system, self-defense by war will, in these cases, be renounced, unless the claim can be said to involve "the national honor and integrity." The protection, therefore, which at present exists against speculative claims will be withdrawn. Such claims may, of course, be rejected by the arbiter; if they are, no great harm is done to the claiming party. In the field of private right, excessive litigation is prevented by the judgment for costs against the losing party; but to a national exchequer, the cost of an arbitration will be too small to be an effective deterrent. Whenever the result is, from any cause, a fair matter of speculation, it may be worth the while of an enterprising government to hazard the experiment. The first result, therefore, of compulsory arbitration on territorial claims will, not improbably, be an enormous multiplication of their number. Such litigation can hardly fail, from time to time, in a miscarriage of justice; but there will be a far more serious and certain evil resulting from it. Such litigation is generally protracted; and while it lasts the future prospects of every inhabitant of the disputed territory are darkened by the gravest uncertainty upon one of the most important conditions that can affect the life of a human being, namely, the character of the Government under which he is to live.

Whatever the benefits of arbitration may be in preventing war from

arising out of territorial disputes, they may well be outweighed if the system should tend to generate a multiplicity of international litigation, blighting the prosperity of the border country exposed to it, and leaving its inhabitants to lie under the enduring threat either of a forcible change of allegiance or of exile.

The enforcement of arbitration in respect to territorial rights is also an untried project in regard to the provisions of the international law by which they are to be ascertained. This is in a most rudimentary condition, and its unformed and uncertain character will aggravate the other dangers on which I have dwelt in a previous dispatch—the danger arising from the doubts which may attach to the impartiality and the competence of the arbitrators.

There are essential differences between individual and national rights to land, which make it almost impossible to apply the well-known laws of real property to a territorial dispute.

Whatever the primary origin of his rights, the national owner, like the individual owner, relies usually on effective control by himself or through his predecessor in title for a sufficient length of time. But in the case of a nation, what is a sufficient length of time, and in what does effective control consist? In the case of a private individual, the interval adequate to make a valid title is defined by positive law. There is no enactment or usage or accepted doctrine which lays down the length of time required for international prescription; and no full definition of the degree of control which will confer territorial property on a nation has been attempted. It certainly does not depend solely on occupation or the exercise of any clearly defined acts. All the great nations in both hemispheres claim and are prepared to defend their right to vast tracts of territory which they have in no sense occupied, and often have not fully explored. The modern doctrine of "Hinterland," with its inevitable contradictions, indicates the unformed and unstable condition of international law as applied to territorial claims resting on constructive occupation or control.

These considerations add to the uncertainty to any general plan of arbitration in territorial disputes. The projected procedure for this purpose will be full of surprises; the nature of the tribunal, its ability and freedom from bias, may be open to much question; the law which it is to administer has yet to be constructed. Even if the number of such disputes is not much larger than those of which we have had experience in modern times, the application of so trenchant and uncertain an instrument to controversies in which the dearest interests and feelings of multitudes of men may be engaged can not be contemplated without some misgiving. But if, as seems most probable, the facility of the procedure should generate a vastly augmented number of litigants desirous of rectifying their frontiers to their own advantage, the danger inherent in the proposed change may be formidable.

It appears to me that under these circumstances it will be wiser, until our experience of international arbitration is greater, for nations to retain in their own hands some control over the ultimate result of any claim that may be advanced against their territorial rights. I have suggested arrangements under which their interests might be indirectly protected, by conferring on the defeated litigants an appeal to a court in which the award would need confirmation by a majority of judges belonging to their nationality. I do not insist on this special form of protection. It would be equally satisfactory and more simple to provide that no award on a question of territorial right should stand if, within three months of its delivery, either party

should formally protest against its validity. The moral presumption against any nation delivering such a protest would, in the opinion of the world, be so strong that no government would resort to such a defense unless under a cogent apprehension that a miscarriage of justice was likely to take place.

Mr. Olney himself appears to admit the need of some security of the kind; only he would resist the liberty of refusal to the period immediately preceding the arbitration. I do not in any degree under-rate the value of his proposal, although if it were adopted it would require to be modified in its application to Great Britain in order to suit our special constitutional usages. But it would not meet the case of errors committed, from any cause, by the tribunal which, in the case of a claim to inhabited territory, might have such serious results to large bodies of men.

I apprehend that if Mr. Olney's proposal were adopted as it stands, the fear of a possible miscarriage of justice would induce the government whose territory was claimed to avoid all risk by refusing the arbitration altogether, under the plea, which he allows, that it involved their honor and integrity. The knowledge, on the other hand, that there still remained an escape from any decision that was manifestly unjust would make parties willing to go forward with the arbitration who would shrink from it behind this plea if they felt that by entering on the proceeding they had surrendered all possibility of self-protection, whatever injustice might be threatened by the award.

I have no doubt that if the procedure adopted were found in experience to work with tolerable fairness, the rejection of the award would come gradually to be looked upon as a proceeding so dangerous and so unreasonable that the right of resorting to such a mode of self-protection in territorial cases would become practically obsolete, and might in due time be formally renounced. But I do not believe that a hearty adoption and practice of the system of arbitration in the case of territorial demands can be looked for unless the safety and practicability of this mode of settlement are first ascertained by a cautious and tentative advance.

I have to request that your excellency will read the substance of this dispatch to Mr. Olney, and will leave a copy with him if he should wish it.

Mr. Olney to Sir Julian Pannecote.

No. 419.]

DEPARTMENT OF STATE,
Washington, June 12, 1896.

EXCELLENCY: I have the honor to acknowledge the receipt from you of a copy of Lord Salisbury's dispatch to you of the 18th ultimo, relating to a proposed general treaty of arbitration between the United States and Great Britain. The contents have received the careful consideration of this Government, and I shall take the earliest practicable opportunity to submit some observations upon the propositions the dispatch sets forth and discusses.

Meanwhile, however, I deem it advisable to recall attention to the fact that, so far as the Venezuelan boundary dispute is concerned, the position of this Government has been plainly defined, not only by the Executive, but by the unanimous concurring action of both branches of Congress. A genuine arbitration issuing in an award and finally

disposing of the controversy, whether under a special or a general treaty of arbitration, would be entirely consistent with that position and will be cordially welcomed by this Government.

On the other hand, while a treaty of general arbitration providing for a tentative decision merely upon territorial claims, though not all that this Government deems desirable or feasible, might, nevertheless, be accepted by it as a step in the right direction, it would not, under the circumstances, feel at liberty to include the Venezuelan boundary dispute within the scope of such a treaty. It is deemed advisable to be thus explicit in the interest of both Governments, that the pending negotiations for a general treaty of arbitration may proceed without any misapprehension.

I have to request that you will communicate the contents of this dispatch to Lord Salisbury, furnishing him, should he so desire, with a copy, which is herewith inclosed for that purpose.

I have, etc.,

RICHARD OLNEY.

Mr. Olney to Sir Julian Pauncefote.

No. 425.]

DEPARTMENT OF STATE,
Washington, June 22, 1896.

EXCELLENCY: The dispatch to you from Lord Salisbury of the 18th ultimo, copy of which you have kindly placed in my hands, has been read with great interest. While this Government is unable to concur in all the reasoning or in all the conclusions of the dispatch, it is both impressed and gratified at the earnest and serious attention which the important subject under discussion is evidently receiving. It can not refrain from indulging the hope that persistent effort in the line of the pending negotiations will have results which, if not all that the enthusiastic advocates of international arbitration anticipate, will be a decided advance upon anything heretofore achieved in that direction.

This last dispatch differs from the prior one of Lord Salisbury on the same subject in that, all general phraseology being discarded, an entirely clear distinction is drawn between controversies that are arbitrable as of course and controversies that are not so arbitrable. To the latter class are assigned territorial claims, while to the former belong, apparently, whether enumerated in Article III or not, claims of every other description. The intent to thus classify the possible subjects of arbitration seems unmistakable. In the first place, nonarbitrable subjects are expressly described as "territorial claims," instead of as matters involving "territory, territorial rights, sovereignty, or jurisdiction," the terms employed in Article IV. In the second place, all the arguments adduced against a treaty referring all differences to arbitration are arguments founded on the peculiar nature of territorial claims. The advantages of this sharp line of division between arbitrable and nonarbitrable topics are very great, and the fact that it is now drawn shows that the progress of the discussion is eliminating all but the vital points of difference.

Lord Salisbury criticises an observation made in my dispatch of April 11 last, to the effect that the subjects of arbitration enumerated in Article III are such as could almost never endanger the peaceful relations of civilized States. The remark, however, seems to me well founded when considered in its true connection—that is, when it is borne in mind that the subject of present discussion is a general arbi-

tration plan, not for the world at large nor for any two countries whatever, but solely for and as between Great Britain and the United States. As between them, it still seems to me quite impossible that war should grow out of such matters as those described in Article III, whether a general arbitration treaty did or did not exist between the two countries. Nor can I seriously doubt Lord Salisbury's concurrence in this view, his apparent opinion to the contrary being based, I think, on the supposed adoption and operation of Article III as the international law of civilized States in general.

Lord Salisbury's practical suggestion in this connection is that, as the two Governments "are entirely agreed in approving the language of Article No. III and the policy it is designed to sanction," those provisions may well be at once made effective by separate convention without waiting for an agreement upon other and more difficult points. Before a reply can be made to this suggestion, however, it becomes necessary to ascertain whether, in the view of his lordship, Article V of the proposals is to form part of such convention. If it is, any present absolute accord of the two Governments as to Article III can hardly be predicated, the qualifying effect of Article V upon Article III having been distinctly pointed out and a substitute provision outlined in my note to you of April 11, 1896.

The remainder of Lord Salisbury's dispatch is devoted to territorial claims. The suggestion on behalf of the United States being that such a claim shall be *prima facie* arbitrable and shall be arbitrated unless Congress or Parliament declare it nonarbitrable, it is replied that this proposition involves a complete surrender of freedom of action for which Her Majesty's Government are not prepared; but each Government's freedom of action prior to entry upon an arbitration remains intact, the only change being that it is to be exercised through the legislature of each country. Hence, by the freedom of action that is surrendered must be meant the liberty to reject an award after entering upon an arbitration. But it will not be contended that a government should be permitted to fly from an award after once undertaking to stand by it, so that, as respects a territorial claim, his lordship's real position is that there shall be no genuine arbitration at all. There shall be the usual forms and ceremonies, a so-called arbitral tribunal, hearings, evidence, and arguments, but as the grand result, instead of a binding adjudication, only an opinion without legal force or sanction, unless accepted by the parties.

Lord Salisbury does, indeed, propose that a protested award shall stand, either if approved by five out of six judges nominated three by one party from the judges of its supreme court and three by the other party from the judges of its supreme court, or, if not disapproved, by a tribunal of five judges of the supreme court of the protesting nation. But neither method makes any change in the essential idea, which is, that a decision upon a territorial claim shall not operate as a binding award unless the power aggrieved by it, acting through its political department, or through both its political and judicial departments, shall either affirm it or fail to disaffirm it. In Lord Salisbury's judgment action by the political department alone is to be preferred as being "equally satisfactory and more simple."

Now, it may not be wise to assert, though the obvious objections can not be ignored, that the experiment of subjecting a territorial claim to all the processes it would be subjected to under a genuine arbitration may not have compensating advantages and may not be worth trying. But the experiment should be recognized and known

for what it is—as an arbitration only in name, while in fact nothing but an uncommonly ceremonious and elaborate investigation. It is suggested that the United States admits the principle of the British proposals, but gets security against a miscarriage of justice in respect of a territorial claim by reserving to itself a “liberty of refusal” prior to the arbitration. But the United States’s proposals contemplate no rejection of an award when once arbitration has been resorted to—they reserve only the right not to go into an arbitration if the territorial claim in dispute involves the national honor and integrity. The British proposals also reserve the same right.

The vital difference between the two sets of proposals is therefore manifest. Under the British proposal the parties enter into an arbitration and determine afterwards, when they know the result, whether they will be bound or not. Under the proposals of the United States the parties enter into an arbitration having determined beforehand that they will be bound. The latter is a genuine arbitration, the former is a mere imitation which may have its uses, but, like all other imitations, can not compare in value with the real article. It is further suggested that under the proposals of the United States fear of a miscarriage of justice might induce the parties to make undue use of the plea that a claim is not arbitrable, because involving the national honor and integrity.

The possibility of such an abuse undoubtedly exists and must continue to exist unless the principle of Article V of the proposals is to be altogether abandoned. The fact was fully recognized in my dispatch of April 11 last, where it was suggested that the risks of improper refusals to arbitrate questions on the ground of their affecting the national honor or integrity would be reduced, perhaps minimized, if the decision in each case were left to the legislature of each country. It can not be necessary to now reiterate the considerations there advanced in support of that suggestion. It is sufficient to refer to them and to add that thus far no satisfactory answer to them has occurred to me or has been indicated in any quarter.

Lord Salisbury favors the practical exclusion of territorial claims from the category of proper arbitral subjects on two grounds. One is that the number of such claims is unknown, and that if arbitration respecting them became obligatory there would be danger of an enormous multiplication of them. What grounds would exist for this apprehension, were general arbitration treaties comprehending territorial claims universal and in force as between each civilized state and every other, it is difficult to judge and certainly need not now be considered. A treaty of that sort between Great Britain and the United States being the only thing now contemplated, it is not easy to imagine how its consummation can bring about the perils referred to. From what quarter may these numerous and speculative claims to territory be expected to come? Is the British Government likely to be preferring them against the United States or the United States Government likely to be preferring them against Great Britain? Certainly this objection to including territorial controversies within the scope of a general arbitration treaty between the United States and Great Britain may justly be regarded, if not as wholly groundless, as at least of a highly fanciful character.

It is said, in the next place, that the rules of international law applicable to territorial controversies are not ascertained; that it is uncertain both what sort of occupation or control of territory is legally necessary to give a good title and how long such occupation or control

must continue; that the "projected procedure" will be full of "surprises;" and that the modern doctrine of "Hinterland" is illustrative of the unsatisfactory condition of international law upon the subject under discussion; but it can not be irrelevant to remark that "spheres of influence" and the theory or practice of the "Hinterland" idea are things unknown to international law and do not as yet rest upon any recognized principles of either international or municipal law. They are new departures which certain great European powers have found necessary and convenient in the course of their division among themselves of great tracts of the continent of Africa, and which find their sanction solely in their reciprocal stipulations. "Such agreements," declares a modern English writer on international law, "remove the causes of present disputes; but, if they are to stand the test of time, by what right will they stand? We hear much of a certain 'Hinterland' doctrine. The accepted rule as to the area of territory affected by an act of occupation in a land of large extent has been that the crest of the watershed is the presumptive interior limit, while the flank boundaries are the limits of the land watered by the rivers debouching at the point of coast occupied. The extent of territory claimed in respect of an occupation on the coast has hitherto borne some reasonable ratio to the character of the occupation. But where is the limit to the 'Hinterland doctrine?' Either of these international arrangements can avail as between the parties only and constitute no bar against the action of any intruding stranger, or might indeed is right." Without adopting this criticism, and whether the "spheres of influence" and the "Hinterland" doctrines be or be not intrinsically sound and just, there can be no pretense that they apply to the American continents or to any boundary disputes that now exist there or may hereafter arise.

Nor is it to be admitted that, so far as territorial disputes are likely to arise between Great Britain and the United States, the accepted principles of international law are not adequate to their intelligent and just consideration and decision. For example, unless the treaties looking to the harmonious partition of Africa have worked some change, the occupation which is sufficient to give a State title to territory can not be considered as undetermined. It must be open, exclusive, adverse, continuous, and under claim of right. It need not be actual in the sense of involving the *possessio pedis* over the whole area claimed. The only possession required is such as is reasonable under all the circumstances—in view of the extent of territory claimed, its nature, and the uses to which it is adapted and is put—while mere constructive occupation is kept within bounds by the doctrine of contiguity.

It seems to be thought that the international law governing territorial acquisition by a state through occupation is fatally defective because there is no fixed time during which occupation must continue. But it is obvious that there can be no such arbitrary time limit except through the consensus, agreement, or uniform usage of civilized states. It is equally obvious and much more important to note that, even if it were feasible to establish such arbitrary period of prescription by international agreement, it would not be wise or expedient to do it. Each case should be left to depend upon its own facts. A state which in good faith colonizes as well as occupies, brings about large investments of capital, and founds populous settlements, would justly be credited with a sufficient title in a much shorter space than a state whose possession was not marked by any such changes of status.

Considerations of this nature induce the leading English authority on international law to declare that on the one hand it is "in the highest degree irrational to deny that prescription is a legitimate means of international acquisition;" and that, on the other hand, it will "be found both inexpedient and impracticable to attempt to define the exact period within which it can be said to have become established, or, in other words, to settle the precise limitation of time which gives validity to the title of national possessions." Again: "The proofs of prescriptive possession are simple and few. They are, principally, publicity, continued occupation, absence of interruption (usurpation), aided no doubt generally, both morally and legally speaking, by the employment of labor and capital upon the possession by the new possessor during the period of silence, or the passiveness (inertia), or the absence of any attempt to exercise proprietary rights by the former possessor. The period of time, as has been repeatedly said, can not be fixed by international law between nations as it may be by private law between individuals; it must depend upon variable and varying circumstances; but in all cases these proofs would be required."

The inherent justness of these observations, as well as Sir Robert Phillimore's great weight as authority, seems to show satisfactorily that the condition of international law fails to furnish any imperative reasons for excluding boundary controversies from the scope of general treaties of arbitration. If that be true of civilized states generally, a fortiori must it be true of the two great English-speaking nations. As they have not merely political institutions, but systems of jurisprudence, identical in their origin and in the fundamental ideas underlying them, as the law of real property in each is but a growth from the same parent stem, it is not easy to believe that a tribunal composed of judges of the supreme court of each, even if a foreign jurist were to act as umpire, could produce any flagrant miscarriage of justice.

Lord Salisbury puts the supposed case of a territorial controversy involving multitudes of people whose prospects may be darkened and whose lives may be embittered by its pendency and its decision. The possibility of such a case arising may be conceded, but that possibility can hardly be deemed a valid objection to a scheme of general arbitration which is qualified by the proviso that either party may decline to arbitrate a dispute which in its judgment affects the national honor or integrity. The proviso is aimed at just such a possibility, and enables it to be dealt with as circumstances may require. The plan of Lord Salisbury, in view of such a possibility, is that all the forms and ceremonies of arbitration should be gone through with, but with liberty to either party to reject the award if the award is not to its liking. It is respectfully submitted that a proceeding of that sort must have a tendency to bring all arbitration into contempt; that each party to a dispute should decide to abide by an award before entering into arbitration, or should decide not to enter into it at all, but, once entering into it, should be irrevocably bound.

The foregoing observations seem to cover such of the suggestions of Lord Salisbury's dispatch of May 18 last as have not already been touched upon in previous correspondence. By the original proposals of Lord Salisbury, contained in the dispatch of March 5 last, a protested award is to be void unless sustained by the appellate tribunal of six judges, by a vote of five to one. He has since suggested that such protested award may be allowed to stand unless a tribunal of five

supreme court judges of the protesting country shall set it aside for some error of fact or some error in law. Without committing myself on the point, it occurs to me as worthy of consideration whether the original proposals might not be so varied that the protested award should stand, unless set aside by the appellate tribunal by the specified majority. Such a change would go far in the direction of removing the want of finality to the proceedings which, as has been urged in previous dispatches, is the great objection to the original proposals.

I have the honor to request that you will lay the foregoing before Lord Salisbury at your early convenience, furnishing him, should he so desire, with a copy, which is herewith inclosed for that purpose.

I have, etc.,

RICHARD OLNEY.

March 18, 1897.

[Senate Executive B.]

Mr. Morgan, from the Committee on Foreign Relations, submitted the following views of the minority, to accompany Report Executive D, Fifty-Fourth Congress, second session:

The undersigned, a minority of the committee, present the following views in opposition to the ratification of the treaty of arbitration with Great Britain that is now reported, with amendments, by the majority of that committee.

They concur in recommending the amendments presented by the committee, but insist upon other amendments that they deem necessary to make the compact less dangerous to the welfare and future peace of the country if this scheme of adjudicating international disputes by a perpetual joint high commission should be ratified. Some of those amendments are referred to in this paper, but are not fully discussed.

The amendment to Article I of the treaty follows the line of action to which no one has objected and to which all have agreed, in substance, as being necessary to preserve the constant and unembarrassed action of the Senate in providing for the formulation and submission of cases, as they arise, to arbitration.

In this treaty we agreed to arbitrate all classes of controversies with Great Britain with no certain limitations, express reservations, or exceptions. Whatever is excepted, if anything is, depends upon the meaning of general and indefinite words, and we provide for the creation of arbitral tribunals to make the awards. The committee amendment reserves the statement of the particular controversy to be submitted and the formation of the issue to be decided, whether of fact or law, to the concurrent action of the President and the Senate in each case, or group of cases, as they arise. In doing this the treaty power—the President and the Senate—determine first whether the nature of the subject admits of settlement by arbitration, and, second, whether the environment of political or other conditions indicate that a resort to such arbitration is the honorable, wise, and proper policy of the United States.

All these cautionary reservations covered by the amendment are claimed by the framers of this convention as being found in the context of the several articles when they are considered together, but every member of the committee has come to the conclusion that the amendment reported is a necessary provision to guard against misin-

terpretation. To the Government and people of the United States this is a matter of the greatest concern, because it directly affects the distribution of the treaty-making power between the President and the Senate, under the Constitution.

The amendment proposed by the committee is intended to repel any conclusion that the President can make any sort of a treaty valid and binding on the United States as a part of the supreme law of the land without the advice and consent of the Senate.

So far as it goes, the amendment reported accomplishes the purpose intended.

It would do this more effectually if the words "by diplomatic negotiation" in the first article were substituted with the words "by treaty or convention." The committee has not agreed with the undersigned on that point, and this subject will be brought before the Senate for its action. The undersigned would draw around our judiciary a circle of exclusion from all political and administrative questions that are not essential to the enforcement of their own decrees. If Great Britain prefers to engage her judiciary in such work, she is left at liberty to do so under the amendments proposed by the committee. But Article VIII was inserted in the treaty as part of the plan that included our judicial officers as a part of the machinery of arbitration, and should be stricken out to preserve the harmony of the text as it is proposed to be amended.

This article has an element of danger in another view that is of manifest importance. The terms of the agreement to arbitrate include such contentions as may arise out of the bond issues of the States, and from injuries inflicted by their citizens on the subjects of Great Britain, and may be held to include the question of the liability of the United States for such demands. We take it that the United States will never admit such responsibilities. This article may be held to contain such an admission, and it should be stricken out, especially as it is not necessary under the changes in the treaty made by the other amendments proposed by the committee.

The breadth of the submission in Article I of the treaty includes the words "or otherwise," found in Article IV (last clause), and they should be stricken out of Article IV to avoid the construction that, by some means, they are intended to increase the scope of the submission indefinitely.

Other objections that relate more directly to the question of the ratification of the treaty as it is proposed to be amended the undersigned will now proceed to state, without the abandonment of any amendment we may think it our duty to present in order to improve the text of this extremely important treaty. All possible deference should be given to this negotiation as it came to the Senate from the President, but the freedom of discussion and amendment is our only guaranty for the protection of the Senate in the discharge of their duty, and in the responsibilities they are compelled to share equally with the Executive.

We oppose the policy of this strangely new departure in international compacts. There are more than 10,000 treaties now existing between the nations of the earth, of which the United States has nearly 300. In all this vast volume of contracts that have the force of laws to bind the nations to certain specific duties, and to establish and protect conceded rights and to regulate their dealings with each other, there are very few, if any, that relate to or declare certain fixed principles or policies or lines of action by which the nations surrender to

each other any of their sovereign powers or permit one nation to participate in the control of the action of another in future and unforeseen events. Such agreements, when they exist, are made between nations that are not independent and those that exercise over them a suzerainty or acknowledged right of control. In all this mass of treaty engagements we have heard of none that resemble this treaty.

Treaties are essentially temporary expedients; and in fact seem made to be broken, as fortresses are said to be made to be taken; and it is questionable after all whether an open field and the chance of a fair fight are not the best protection to a peace-loving nation, both in war and diplomacy.

The alleged Christian purpose of this treaty—in the promotion of peace on earth and good will to men—is a most attractive argument for its adoption. Yet it may be mistakenly applied to a contract that disarms the peacemaker and leaves the historic peace disturber in the full possession of all his powers to break the peace, and leaves unsettled several causes of quarrel, some of which, as in the case of the northeastern fisheries, he has kept in agitation for a century, and in the case of the violation of the Clayton-Bulwer treaty we have complained about for nearly fifty years. If we could open this diplomatic millennium by clearing off these old and rankling troubles we would, on both sides, have the right to claim the verdict of posterity that at least our motives are sincere.

As we are managing these troubles, present and future, it seems to us to be the part of wisdom to consider another declaration of the Prince of Peace. He said to his disciples, "Think not that I came to send peace on the earth; I came not to send peace, but a sword." No nation has long existed, or will long exist, that can not repress crime within its borders by punishment, or that can not appeal to the sword in its own hands or in those of some protector to deter other nations from aggressing upon its rights. As we are strong enough to use this weapon of defense in our own hands, and are not base enough to use it in an unjust cause, we do not see the necessity for putting it beyond our reach until Great Britain shall consent that we may use it. When this consent is necessary we cease to be an independent people. That, in brief, is the real purpose of this treaty, which the President and the Senate have no right to fasten upon the country as a fixed policy through the binding engagement of a treaty with any power.

Our Government, in its foreign relations, has had two experiences in forming agreements to control our future conduct.

The first was the alliance with France in 1778.

The second was with Great Britain in the Clayton-Bulwer treaty, which was a declaration of principles and a mutual check upon national aggrandizement.

In the treaty of alliance with France the motive was the independence of the United States. There was a great reason also for the sentiment of gratitude to which our sense of duty impelled us.

In the treaty with Great Britain there was felt a shrinking sense of a danger which we preferred to avoid and the inducement of a free and unobstructed highway to our Pacific possessions which that power had resolved to interrupt.

Our troubles over these two treaties are all that we have had that have fashioned our international policy and rights to suit the policy of other countries. They limited our sovereign control over the destiny of our country and have always been regretted as departures from our true policy of national independence and segregation.

We have at all times taken proper and effectual care of all questions that have arisen in the course of our dealings with other nations, whether in peace or war, and have had no occasion to court the friendship or to be alarmed at the hostility of any other power, so far as our prosperity and safety are concerned.

We have "let well enough alone" in this great career, and have profited by that course of dealing.

In this line of national policy we have grown into a mighty nation of warriors, every one of whom is a true knight of the Red Cross when justice, innocence, honor, and country are assailed or wronged, but they are all standing at guard, always, under the white banner of peace, until an intrusive enemy challenges them to conflict.

This is the true attitude of a Christian people, and it could not be taken or maintained in safety upon the high ground of independence under any other form of government except that of our great Republic, or any other than a Christian people who are themselves sovereign in the right and authority of self-government.

If a condition ever exists under which it is even debatable whether we should yield up, modify, or place under the control of any foreign nation any of the sovereign powers of our Government, we can not find an element of sovereignty that we can not yield with greater safety than we can the power to make war, without any hindrance or delay. That is the last appeal of nations, and its cost and other desperate consequences are sufficiently deterrent to cause the utmost deliberation and circumspection in resorting to war; but the untrammelled right to make that appeal includes the whole subject of national self-protection, national honor, and independence.

Without this unqualified right of appeal to arms no nation can be independent.

Under our Constitution this right to declare war is kept always in reach of the people through their representatives in Congress. It is not shared in by the President, for the most important reasons. The President can not raise an army for any purpose, except as he is authorized by law, and he can only command the Army and Navy when by law they are called into actual service. If he could declare war by proclamation, he could easily usurp whatever power he might choose by raising armies; also by proclamation to wage war. A declaration of war is not an act of legislation; it is only a formal announcement of the existence of a state of war which, without further action, creates a state of war and makes applicable to that changed condition or status all the laws of war—whether they are municipal or international—to remain in force until peace is declared. The President can not veto a declaration of war or a declaration of peace. If he could do this, his powers would be absolute and would enable him to compel the subordination of Congress and the people to his imperial will.

The excess to which such powers could be used is only to be measured by the limits of human ambition. Being the commander in chief of all military forces when called into actual service, he is carefully removed from the temptation of using that power, or of refusing to employ it, except by the express consent of the people.

Our example in this grand and proud attitude as a self-governing people is the only instance in history of the martial power of a non-combatant nation whose moral force, backed by the greatest military resources, is stronger to command and enforce the peace among the nations than the enormous standing armies and steel-armored fleets of all the great European powers. We can not engage in war

until the hearts of the people are stirred to the profoundest depths, and the President can not prevent it when the people declare war through their representatives.

We have not gained this position by the exhibition of belligerent inclinations or by the preparation of great armies and fleets to meet the demands of anticipated wars. Our army of 25,000 soldiers and our fleet of 25 efficient armored ships are only a police force that is rarely called upon for active work in time of peace.

But behind this skeleton organization, as the whole world knows, there is a power whose energy, vigor, force, courage, and spirit of sacrifice is as potent as the electric bolt hidden in the soft bosom of a summer cloud. It is the power that energizes every American heart and converts every man into a warrior when duty to his country calls mind and soul and body into action.

This is well enough; and it is better that we should "let well enough alone." If Great Britain or any other European power, seeing this grand success in the creation of these unequaled military resources, dreads a conflict with us, let them follow our example; disband their great armies and cultivate the love of their people. Let them deserve peace and they are safe from our hostilities.

We can not disarm, for our people are not armed. We do not put our trust in armed legions, as Great Britain does; and if she desires peace with us, let her disband her armies, dismantle her fleets, and plant her destiny, as we do, upon the love of our people for honor, justice, and fair conduct among men and nations.

If her people are consulted they will never make war upon us, and our people, whom we must consult, will never make war upon them.

The ocean divides us, but "blood is thicker than water," and the people of both countries feel the full strength of that bond. The people of the two nations, with common blood and using the English tongue, will never seek occasion to war upon each other. The men who fill the ranks of the British army love the United States of America and its people. There is no quarrel between the people of the United States and of Great Britain.

There is but one possible danger of war with Great Britain, but that danger is ever present. It comes from the ambition, jealousy, and cupidity of their titled gentry and nobility. As to the royal family, it has become a mere pensioned representative of power, a political fiction that the commons tolerate and the nobility use simply to magnify and dignify their power and to decorate their triumphs.

If the British constitution contained the provision, as ours does, "that no title of nobility shall be granted," the rulers of that Empire would never provoke a war with the United States, nor would we find any reasonable ground of resentment on account of British policy or aggression. It is the titular dignitaries of Great Britain who are the real foes to our people and our institutions.

The crowned heads of Europe, for the gratification of their royal pride and jealousy, and to enrich the aristocratic classes, are now engaged, for the thousandth time, in repressing the same spirit of liberty in Europe that rules in the hearts of Americans. They are the hereditary foes of liberty and resent every breath it draws in this free land.

They are afraid that the resistance of Greek Christians to Mohammedan butcheries may kindle fires of liberty that will consume their thrones when they are once abroad and are left free to devour iniquity and oppression.

The opening guns of a great conflict have already been fired, and the enemy thus assailed is humanity and the offense to be punished is the love of liberty.

Great Britain fired the first shot into the camp of the Greeks when they were rescuing their kindred from that fate which only a Turk or a Spaniard can inflict upon humanity. The people of Great Britain would never have ordered that assault. It was ordered by the Marquis of Salisbury, who wishes in the hereafter to silence our reproaches, if we have any to make, for like peaceful methods under the hypnotism of arbitration. We may complain hereafter, but we must not fight.

While we are under the influence of this Svengali we will be required to think his thoughts and submissively feel the cold chill of his icy hand upon the hearts that beat for liberty, without any appeal but to the self-imposed bondage of arbitration. It is this power of the British nobility, to which our fathers refused submission, that forced us to war in 1776 and again in 1812, and if they felt that the cost was not too great, or the adventure was not too hazardous, that power would now tender to us the olive branch on the point of the sword instead of offering us the seductive snares of universal arbitration.

The American Constitution gives no offense to the British people. They are always earnestly reaching out for its precious covenants of liberty. Ireland has sent more sons and daughters to our glorious shrine in quest of our guaranties of liberty than are now living on that beautiful island.

To escape from the power of the titled classes, Europe and Asia have poured a stream of refugees into this land of liberty who are ready with our people to resist their encroachments when they are aimed at or directed toward our peace or our institutions. It is no boast to say that the combination of men now in the United States is the most enlightened, the truest, and bravest that ever supported a national flag in all the history of nations.

It is a shameful wrong to reproach such a people with an offer that they who so love justice and liberty shall bind themselves to perpetual peace, in which all that is noble in our independence shall be subordinated to the decrees of the titled nobility to be obtained through international lawsuits.

No arbitration will ever be held with Great Britain under this treaty that is not first arranged and formulated by titled Britons, and then settled according to the will of that aggressive and overbearing class.

If the question involves, as every important arbitral question will, the demands put forward or resisted by that class of men, there will always be found in the essence of the controversy the never-ceasing conflict of the titled classes in Great Britain with the people of the United States and their policies and institutions. That has been the burning focus of every quarrel we have ever had or will ever have with Great Britain.

To illustrate their clannish and close relation to each other, it is true, to-day, that all of them hate Mr. Gladstone, who has refused all titular dignities and has held to his nobler attitude of identification with the great body of the British people. John Bright was also thoroughly hated by them for like reasons. While these great commoners were true and loyal Britons, they have always respected the democratic convictions of the American people and have not regarded our national prosperity as being in the way of British progress, or as being inimical to good government.

The influence of men like Bright and Gladstone in the Government has never been directed to the end of aggression against the United States. They honor our people and the great cause of free and just constitutional government to which America is now dedicated from the Dominion of Canada to the island of Juan Fernandez.

To keep peace with such men as Gladstone and Bright we are only required to keep the peace with our own consciences under the command of the golden rule which applies alike to men and nations.

But their rule in the British Government is, like that of Cromwell, inaugurated and tolerated only when the great abuses of the titled classes have made imperative demands for reformation. When the great evil then prevailing has been cured or postponed, the titled classes—the Tories—are always reinstated in power and begin anew their war upon the essential liberties of the people. They concern themselves in the accumulation of wealth by the hands of the collectors of taxes, and keep up the bugle call of war around the whole world. Where conquests are possible, in lands that yield them revenue and among peoples who are weak and semicivilized, their pasture fields are the public credits, and they revel and grow fat on interest-bearing national debentures. They share in the vicious pride and jealousies of the ruling families, and, with sacrilegious vanity and self-adulation, they claim the divine right of kings as their heritage, and even assume the holy authority of the church, as its head, in dealing with the souls of men.

The balance of power in Europe is of more concern to them than the lives of the people or of the men who are forced into their standing armies, and is watched with more care than is the balance of justice between them and the people.

In 1878 these English land hunters took the island of Cyprus from the Turks, as a war stipend, in order to get an outpost for the control of the Suez Canal; as in 1848 to 1850, they occupied the mouth of the San Juan River in order to control the canal and all other transit routes across Nicaragua. In both cases the pretense was that they were giving the people there a better government.

And now, to subject the Greek Christians to Turkish atrocities, they are threatening the Greek Kingdom with destruction if it gives aid to humanity in the defense of their kindred in the island of Crete, and they do this cruel work to preserve the European balance of power.

With these examples drawn from a history that is now in process of formation we have enough, without reference to a number of other instances still remembered by living men, to demonstrate the folly of our entering into a compact of perpetual peace with these robbers and oppressors of the weaker nations.

It is the British lords and gentry and not the British people who assert, with arms, these policies so foreign to our ideas of justice, and it is for their personal advantage, and not to secure peace to the British people, that we are asked to neutralize our influence in the affairs of nations. By such an alliance we only leave them free to girdle the whole world with their power. We become a party to their aggressions by disabling ourselves from making so much as a protest against them.

We confess to our want of enthusiasm in the rôle of foreordaining peace with Great Britain, such as we would feel, in like circumstances, toward the Republics of France and Mexico, or even Russia.

Great Britain has a motive for our being held in restraint that is not the result of any dangerous or disagreeable experience she has

had with us. It is not the result of a new feeling of kindred or fellowship with the American people. It grows out of the fact that she has spread her conquests around the world, and is still spreading them, to an extent that renders their protection a task that is about to overtax her powers. The security of transit across the Canadian Pacific Railway is a vital link in her chain of empire.

We will keep the peace and will interpose no barrier to British expansion until it chooses to touch America in disregard of the policy declared in the "Monroe doctrine," and in the application of that law to the island of Cuba, or other Caribbean islands. To us that is a law of self-defense which we all deeply regret was not applied to the Bahamas and Bermudas and to Jamaica when we had the opportunity of doing this at the close of the war for independence. On the other hand, we should not aid Great Britain in her marauding policy toward weaker powers, or in the indulgence of her European policy of forcing her demands upon other nations by enabling her to assign to us by treaty an enforced acquiescence in her wars.

With no other care for our attitude toward her than the possible result of an international lawsuit before a tribunal of arbitration, and no apprehension of danger from the United States, Great Britain would be left free to concentrate her fleets and armies in other quarters and prosecute her designs with increased military forces, leaving us, meanwhile, in peace bonds, which we must keep because we have pledged our honor in this treaty.

We can see nothing in the past or in prospect that justifies the United States in thus directly contributing its power and influence to augment the war power or the prestige of the ruling classes in Great Britain. In assuming such an attitude as this treaty assigns to us we know that it is on our part a purely defensive one toward Great Britain, that has always been aggressive toward us, and that it changes our rights of self-defense from reliance upon the sword to a resort to the decree of an arbitral tribunal. We need not give up either method of protection for our country. We will arbitrate, in many cases, rather than fight—but not in all cases. In any case we would prefer to fight rather than be compelled to arbitrate. It is in compulsory arbitration that we will find many dangerous irritations.

If our sovereign people, acting through their servants, the President and the Senate, could meet and deal with the people of Great Britain through their own responsible representatives in all diplomatic contentions, the case would be different and the results would be more worthy of our acceptance. But this is not possible under the British constitution, where the Crown not only possesses the exclusive prerogative power of making treaties without consulting the people represented in the Commons or the Lords, or even the ministers of state, but is represented, personally, by an ambassador to the United States, under existing arrangements.

If this treaty is ratified, every subject of the entire realm of Great Britain might agree that a given contention of the United States was right, and yet the Crown has the exclusive power to contest it and to demand an arbitration upon it, or to refuse to arbitrate the question. And so it is as to the power to make war or to declare peace, which rests only with the Crown.

This situation brings out the fact, with startling significance, that in making this treaty we are dealing only with the royal and titled classes of Great Britain, and that in every step we are to take under

it only the will of those classes is to be consulted and only their policies will be permitted to control. Whatever we may call this tentative arrangement—whether a peace compact, a moral alliance, or an actual alliance, offensive and defensive, or a drawing together on the basis of race, language, and community of sentiment—it is not the people of the two countries who thus approach each other to form a more perfect union in the bonds of peace and good fellowship, but it is an unnatural alliance of our republican and democratic people with the titled classes in Great Britain, who, in all foreign relations, rule their people in the most tyrannical spirit of absolutism.

We should not be willing that such a power should for a moment possess the right to decide or to influence any question that concerns us without first submitting it to the will of our people, expressed through their constitutional representatives. Much less should we be willing to enter into a perpetual covenant with such a power as rules Great Britain, to control our relations with them as to matters that are yet hidden in the womb of the future.

With the free operation of the interchange of thought and the discussion of our mutual interests with the English-speaking people we would feel little concern as to any obligation that might bind us to unusual conditions, even as to our future conduct. But it is far otherwise when such an engagement is to be made with their hereditary rulers who, while speaking in the name of the British people, do not consult them in any diplomatic affairs, and conduct foreign intercourse without the sanction of their approval and without their knowledge.

To be very concise and explicit in this matter, we should make no pledge of our future conduct toward men who usurp and employ power to advance the interests of a hereditary, ruling class, and to aggrandize them in wealth and dominion.

The rule they exercise over their own kindred at home is the irreconcilable antagonist of the rule that our people exercise over themselves, and there is inevitable conflict between these forms of government that will always make any sort of treaty alliance or fraternization between them extremely dangerous to our Republic. If they will yield to the British people, including the Irish, the sort of control over their foreign affairs that our Constitution grants to our people, so that we can come face to face with them on questions of difference, we would feel less apprehension for our future under the provisions of this treaty. We can afford to trust any free and self-governing people, but we can not afford to place the influence, or power, or the destiny of our Republic under the control of the diplomacy of any monarchic government. In respect of foreign relations, the Government of Great Britain is an absolute monarchy, while ours is a Government by the people.

Why do we not propose such a treaty as this with the Republic of Mexico, whose people have some heartburnings toward us? Those people, like ours, are always in immediate control of their foreign and treaty relations, and if their disputes with us could be settled by arbitration, our close and fraternal relations with them would aid the prosperity of both nations. Are we ambitious only to bind the great nations to keep the peace who are strong enough to do us harm in war?

If Greece had a treaty like this with Great Britain would it operate to secure her the sovereign right without interruption, to shelter her kindred people against the atrocities that are now being perpetrated in Crete? Why does not Great Britain tender to Greece this

boon of arbitration instead of shelling her unoffending people from her steel-clad battle ships?

Not more, perhaps, than 100 men, who are the rulers of Europe, actuated by the pride and jealousy that always exists in the sort of government that is arrogant and absolute in international affairs, and by their fear of each other, are engaged in repressing the fires of liberty in the island of Crete and in drowning the outcry of the people for the protection of humanity against Turkish brutality, while 100,000,000 Christian hearts are pleading for their forbearance.

These few men who thus dominate Europe are, in fact, no better than those whose sufferings they despise; and they make war on Greece because she can not refuse to rescue her persecuted children, and justify their wrong on the ground that their protection of the balance of power in Europe makes it necessary that no friendly hand should be extended to the Greek Christians in Crete.

This cruel illustration of the reason for such a peace alliance as has assembled the fleets of six Christian powers around that island, and sent their troops ashore to extinguish the kindling fires of liberty in blood, is a living and present proof of the fact that the real trouble they are trying thus to avoid is some possible strife among the magnates who rule the people, and is not a quarrel among the people under their government.

The people of Europe applaud the noble and generous conduct of the Greeks, while their rulers for personal ends crush them for their exhibition of the natural desire to save their kindred in Crete from the fate of the Armenians.

The people of Europe would adjust the balance between the powers on the level of human rights, while their rulers would adjust it at the expense of humanity, on a basis that would secure their thrones from disturbance and their wealth from sacrifice.

They would keep peace in the royal households, while murder, rapine, and devouring flames destroy the homes of the people and expose their wives and children to the "unspeakable Turk."

Great Britain is a potent factor in this scheme of preserving this European balance against disturbance, and the hearts of her people burn with indignation while her magnates and diplomatists are shedding innocent blood to avoid the possible danger of the loss of power in their rule over distant provinces or some loss of prestige. She is not demonstrating her love of Greece by any bright example of her love of humanity.

In the estimation of that class of men, peace is not the honest fellowship of the peoples of the earth, in the common love of liberty, justice, and humanity, but it is security against the disturbance of their plans of aggression, against the loss of their power to rule the classes that supply them with wealth and dominion, and security against the loss of their treasures invested in national securities—in Ottoman bonds. Our people are not in harmony with the rulers of Europe who employ their treaty-making power for personal ends, but they are in harmony with the people of that country in all their aspirations for self-government.

Our people have wisely taken the treaty-making power into their own hands that they may secure peace by their constant and vigilant guard over their own rights.

They will not use that power, or permit it to be used, to fetter their own hands so that they can not resort to whatever weapon is at any time necessary for the full protection of their rights and liberties.

They understand that any invitation to aggression upon their liberties or rights will always be accepted by those who claim the divine right to rule in the world, and if the aggressor is secured against armed resistance by a pledge of submission or delay, whether it is through arbitration or by surrender, they know that he will press his demands to the utmost verge of insolence and aggression. Not only the lesson of Crete and Cuba is witnessed with alarm, but our own experiences teach us to beware of surrendering power to the diplomats of Europe.

Our Constitution provides a tribunal for the protection of every right of the people of the United States, whether in war or in time of peace, and it is a reproach to its framers that we should now be engaged in the effort to establish a new and permanent high commission to protect our people against the supposed or apprehended infidelity of our own constituted authorities. We are endeavoring to protect our people under this treaty against themselves, and not merely against their public agents and servants, by abolishing or limiting their power to make war, even in self-defense.

When our fathers transferred all the powers of government from the British Crown to the people of the United States, the power to declare war and to wage war was separated from all other powers and was placed under the immediate control of the people through their Representatives in Congress and in voting supplies upon the initiative of the House of Representatives. No declaration of war can be made until the people have voted it through their Representatives. The President can not declare war. Congress has that exclusive power.

Whether war is necessary to meet any condition of affairs that may exist or may be anticipated, is a question that must be settled by the people who supply the money and the men for that purpose. To deprive the people of the right to make that decision, or to hamper it with conditions that are imposed upon them as "the supreme law of the land" by the action of the treaty-making power, the President and the Senate, is to interpose an obstruction to the power of the people that is not only a dangerous innovation but a subversion of their rightful control over every question that involves a resort to the war-making power.

The President and the Senate, as the treaty-making power, can not deprive the people of their power to declare war—a power in the exercise of which the President has no right to participate.

The President and the Senate can no more compel Congress, by a treaty, to yield its right to declare war against Great Britain, in any event or contingency, than they can compel Congress to declare war against the Mahdists in Africa as the ally of Great Britain.

Such a declaration as is made in this treaty, imposing conditions upon Congress in the exercise of its exclusive power to resort to war, is a useless and mischievous disturbance of the theory and express constitutional structure of our Government. It is, in legal effect, no more than an admonition to Congress that the President and the Senate, having provided a means by which it is possible to avoid war, they must forbear such a declaration until that expedient has been exhausted. Such admonitions, while they furnish a security that invites the pressure of irritating demands and exactions from Great Britain, are only calculated to provoke Congress to the more summary and decisive vindication of their constitutional authority against impertinent intrusiveness.

Why it is foreordained in this treaty that Congress shall not resort

to war for any cause the people shall deem just until a process of arbitration is employed to settle the question, is beyond the reach of any rational theory of government, except that the people are not to be trusted to deal honestly and discreetly with their own most vital interests.

Such distrust of the people and their Representatives in Congress is a reproach that is not justified by any fact in our history. We dread its effect in creating resentment toward the President and the Senate, for an unnecessary interference with Congress in the attempt to ordain a "supreme law of the land" which suspends or annuls the exclusive right of Congress to declare war.

Some illustrations will be found in existing conditions that will show the folly of the course that we are urged to pursue in ratifying this treaty. It is not our "right," nor is it clearly within the line of our policy, as it is declared in the Monroe doctrine, that Spain shall not sell or mortgage Cuba to Great Britain or that Great Britain shall not occupy Cuba or Peru, as she occupied Nicaragua at Corinto, in order to collect a debt. Yet such a purchase of Cuba by Great Britain would make war a national necessity.

If such a state of case is within the purview of this treaty, as some persons construe it, shall we compel Congress to agree that we may submit such a question to arbitration?

This and many other questions that are easily within the range of expectation bring up the conflict between the war-making power of Congress and the mandates of this treaty, such as whether the treaty creates a *casus belli* by requiring Great Britain to arbitrate a question which she prefers to settle by war, or by requiring Congress to recognize a *casus belli* in the demand of Great Britain for the arbitration of a question which we think is not covered by the treaty. In either case there is great danger in the attempt to forestall and hamper the freedom of action by Congress in this the most delicate duty they have to perform.

Whenever we hold, toward Great Britain especially—our only traditional enemy—such an attitude that Congress can not declare war against her without committing a breach of treaty faith, no matter how serious the demand she makes upon us, under color of a right, or how gross may be the insult that attends the demand, we will load a burden upon Congress—the war-declaring power—that will result in the dishonor of our country. Great Britain, in such course of dealings with our people, would always find a party ready at hand, among the classes who prefer repose and the enjoyments of peace to national honor, who would demand arbitration in preference to war.

We are glad to believe that our national spirit can never be thus subordinated by any pressure for peace to the degree that it would brook insult to our flag rather than make resistance to a great national dishonor; but it is true of nations, as it is of men, that their self-respect will fail when any fixed condition is established that relieves them from the responsibility of self-protection or self-defense. Canada, for instance, with a territory larger than the United States, and nearly as productive, has no army, no navy, no flag, no voice in her foreign relations, and is as dependent on Great Britain for protection as a child is in its father's arms. As an independent State, Canada would rank with the great powers of the world. Her people have needed the development that comes from independence and self-reliance, and, in consequence, they present a shameful contrast with our growth in every respect.

Canada has contentions of a serious sort with the mother Government, but they are arbitrated in the secret chambers of the privy council, and submission to that decree is followed by a more humiliating lethargy and a more demoralizing decay of the spirit of liberty among the people. Their only reward for this progressive decay is that they are not charged with the glorious duty of self-protection and are not taxed to maintain armies and navies.

We reject the proposal in this treaty that we shall take shelter under the British protection that has thus destroyed the national spirit of the people of Canada. We do not need any international privy council to settle our disputes with Great Britain.

However much we may deny or deprecate the fact, the working of this treaty will accustom our people to rely upon a tribunal that is not provided in our Constitution for security against national wrongs, and it will ultimately destroy their self-reliance for self-protection and self-defense. The finest boy in America, if he was forced into such relations with his father until he was 50 years old, would be dwarfed into a condition of incompetency for the duties of manhood. It is for our children that we plead against this treaty.

Waiving, for the present, any examination of the artificial and illogical structure of the arbitral tribunals that are provided in this treaty and the power of one of these courts to decide upon the jurisdiction of the other, a much greater question arises, Whether the President and the Senate can create such a referee and prescribe its powers over the Federal Government, the United States, and the people? It is true that the awards of the tribunals are not final, in the sense of being self-executing. When they are finally completed they only create a treaty obligation upon the contracting parties that they will, in good faith, execute them, and, failing in this, they will be amenable to the sword—the final arbiter.

The award of such a tribunal is nothing more than a treaty, and its execution is only an ascertained duty to be performed, if it relates to some future act. If the prescribed duty is declined, the award fails unless it is enforced by war.

In the circuit of this litigation we get back to the starting point, with the moral weight of the award to embarrass our action if the verdict is adverse to our contention. Only an irritating delay has occurred, and the real question of difference is as burning as it was in the beginning.

The indefinite character of these international awards, with no supreme tribunal to enforce them against the sovereign powers that engage in arbitration, is of itself a sufficient reason to deter us from making the agreement in advance that we will submit all questions of difference in the future to a certain arbitral tribunal. But such a tribunal, if it can be organized otherwise than by an act of Congress, becomes a department of the Government, or an established court, or a permanent commission to settle international disputes, which has no place in our Constitution. Its creation and its duration, as well as its powers, have their origin in a gross and dangerous usurpation of power by the President and the Senate.

A special arbitration by a tribunal that exhausts its powers in making its award is often a valuable aid to the nations that institute such a commission, although the worst of troubles sometimes occur in the effort to enforce their awards. But a permanent court or commission of arbitration, created without the consent of Congress, that can not be abolished or their powers terminated under notice, except by act

of Congress, is a different thing from a special tribunal constituted for a special emergency. It is a fixed commission, or a bureau that has no authority under legislative enactment. The power that creates such a tribunal must be legislative, because it has power, in the future and as to demands that do not exist at present, to impose duties and obligations on the United States that only Congress can provide for. Without the sanction of law it is made the agent of the United States to create obligations upon the Government that Congress must meet under the penalty of war or national dishonor.

Under this treaty the President and the Senate, by agreement with Great Britain, take this business out of the hands of the representatives of States and the people and create a tribunal that is a stranger to the statutes, and empower it to fasten obligations upon the Government and leave to Congress the duty of providing for their satisfaction under the penalty of war if they refuse to recognize the sacred obligations of a treaty.

When we add to this palpable usurpation of the authority to bind Congress in perpetual subordination to such dangerous conditions, the inevitable danger that these tribunals will increase their jurisdiction, whenever that is possible, until their control of foreign relations is absolute, we can not avoid seeing the danger of the tremendous step we are about to take. We shrink from it with alarm and take shelter under the Constitution as it has been understood for a century, and under the precedents of all the history of all nations, none of whom have ever attempted this Utopian scheme.

In our judgment no amendment of this treaty upon the plan adopted in its structure, or the purposes it seeks to accomplish, can make it consistent with the theory of our Government as it is fixed in the Constitution.

As to the field of its operation, it is simply illimitable. There is some uncertain and indefinite effort to limit the scope of arbitral jurisdiction by a construction that is claimed to narrow the meaning of the submission clause in Article VI. That clause includes expressly all pecuniary claims or groups of pecuniary claims, without reference to the nature or grounds of the contention out of which such claims may arise. Such claims, if they are sound in damages for which pecuniary demand is made, may draw into arbitration any question, no matter how it may affect our national honor or sensibilities, if either party shall have rights against the other under treaty or otherwise. This clause then covers with an unlimited sway of jurisdiction all other matters in difference, if rights are claimed under treaties or otherwise that do not involve territorial claims which are covered by Articles VI and IX.

Under Article IX, as to territorial claims, we find now in sight as subjects of controversy the Alaskan boundary; the faithful execution of the award of the Paris tribunal; the navigation of Puget Sound in time of war, in which either Government may be involved with some other power; the northeastern fisheries; the protection of our waters, and the shores and the navigation of the lakes, with armed vessels.

We have also in view claims by Great Britain of rights existing under the Clayton-Bulwer treaty and the denial of our right to enforce the Monroe doctrine in Central America, as to all of which we must submit to arbitration first and then to mediation before we can resist or resent any demand she may make.

As to the unseen and unknown future, if we read it in the light of the history of more than one hundred years, we only know that Great

Britain will have no need of any defense, by arbitration or otherwise, to check the United States in any sort of aggressive policy against her, while we shall be subjected to the necessity of appealing frequently to arbitration as the only means left to us through which we can resist the violation of our rights. We have no right to expect that her aggressions will cease because she has our treaty agreement to submit to them until a court of arbitration and an intermediary has given us the privilege of forcible resistance.

We can find no reason in the community of blood and language that justifies this great composite nation in creating this new and unprecedented relation with Great Britain. These ties of kindred have not sheltered us against the invasions of 1776 or 1812.

These have not been family quarrels that have disturbed our peace and threatened our commerce in almost every year of a century.

They have been the aggressions of the nobility and gentry against the American people, who have been setting an example before the British people that arouses the anger, wounds the pride, and threatens loss of power to the titled classes. For this we have had no forgiveness and will not have.

The time has never been when there was so imperative a command resting upon this great Republic as now exists to vindicate its peaceful policy by the husbanding of its strength to repel any attack upon its rights, and we will be purblind if we relax our attitude and accept a paper guaranty of peace in place of the moral and military forces that are the supreme elements of strength in our splendid Republic.

Let the world understand, once for all, that the unarmed people of the great Republic are more powerful in defense of their rights than the armies and fleets of imperial power are in aggression; and that they impose upon themselves all honorable restraints that justice demands, without being held in bonds to keep the peace with other nations.

Questions of arbitration in reference to boundaries are always delicate and can not be approached without the absolute conviction that both parties are acting in honest, good faith. It is not just to the people concerned in any change of domicile from this to a foreign jurisdiction that the Government should agree, in advance, in any event to submit such questions to arbitration. On this subject we quote from Andrew Jackson a solemn declaration made in the latest hours of his life. It relates to the efforts of British agents to prevent what he termed "the recovery" of Texas by the United States. General Jackson said:

We have had a disgraceful sacrifice of our territory (Oregon): an important portion of our country was given away to England without a shadow of title on the part of the claimants, as has been shown by the admissions of the English ministers on referring, in Parliament, to the King's map, on which the true boundaries were delineated and of which they were apprised when urging their demands. Right on the side of the American people and firmness in maintaining it, with trust in God alone, will secure to them the integrity of the possessions of which the British Government would now deprive them. I am satisfied that they will assert and vindicate what justice awards them, and that no part of our territory or country will ever be submitted to any arbitration but of the cannon's mouth.

The undersigned regret that they can not concur in what seems to them to be a hasty and mistaken desire of many worthy Americans to enter into this peculiar compact with Great Britain, which, in effect, binds the people of the United States in a constrained attitude toward the Government of Great Britain.

This novel relation to that Government to which this treaty binds us

is not, in our opinion, justified by our history, nor is it required by any emergency or any just expectation of future advantage to our country, and we enter our solemn protest against the ratification of the treaty which is now before the Senate.

JOHN T. MORGAN.
R. Q. MILLS.

June 1, 1897.

[Executive D.]

Mr. Turpie, from the Committee on Foreign Relations, submitted the following report:

Your committee to whom was referred the treaty made at Washington on January 30, 1897, between the United States and Great Britain, designated as a "Convention providing for the demarcation of the one hundred and forty-first meridian of west longitude, for the determination of the boundary between their respective possessions in North America," have had the same under consideration, and do make the following report:

The third article of the treaty of cession from Russia to the United States, of date March 30, 1867, of the territory known as Alaska, is as follows:

ART. 3. Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54° 40' north latitude and between the one hundred and thirty first and one hundred and thirty-third degree of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland Channel as far as the point of the continent where it strikes the fifty-sixth degree of north latitude: from this last mentioned point the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the one hundred and forty-first degree of west longitude (of the same meridian), and finally, from said point of intersection, the said meridian line of the one hundred and forty-first degree in its prolongation as far as the Frozen Ocean.

It will be seen by perusal of the terms of this article that the one hundred and forty-first degree of west longitude of the meridian of Greenwich is twice used in describing parts of the divisional line between the respective possessions of the two countries, once as to the point of intersection with the line of demarcation parallel to the coast, and second, as being itself the divisional line prolonged from the last-mentioned point of intersection to the Frozen Ocean.

It is proper to say that this dividing line is defined in the same language and terms by the prior convention concluded between Russia and Great Britain of February 28/16, 1825, respecting the limits of the same territories. It will thus be seen that the one hundred and forty-first meridian is a material part of the boundary to be established between the two countries, and that the object of the convention is to provide for the survey and ascertainment of the true location thereof and to mark its place on the earth's surface by visible and permanent monuments, so far as it is necessary to do so, for the purpose of establishing the boundary in question.

As this convention relates solely to the ascertainment and demarcation of the one hundred and forty-first meridian, we are of the opinion that our consideration thereof should be confined to the same, and we therefore report adversely upon the two amendments proposed, which relate to other portions of the boundary line set forth in the treaty of cession. We are not inclined to make a new treaty, nor to

deal at present with questions not strictly germane to the convention now referred to us. We think it better to leave the adjustment of the other portions of the boundary line to the direction, discretion, and future action of the Department of State.

The committee, after careful examination of the same, are satisfied with the second, third, fourth, and fifth articles of the convention, but we have concluded that article 1 should be amended so as to be in its terms more distinct and definite as to the last clause therein, running from line 63 to line 71, both inclusive, which is as follows:

Inasmuch as the summit of Mount St. Elias, although not ascertained to lie in fact upon said one hundred and forty-first meridian, is so nearly coincident therewith that it may conveniently be taken as a visible landmark whereby the initial part of said meridian shall be established, it is agreed that the commissioners, should they conclude that it is advisable so to do, may deflect the most southerly portion of said line so as to make the same range with the summit of Mount St. Elias, such deflection not to extend more than 20 geographical miles northwardly from the initial point.

The object of this clause is to give a discretionary power to the commissioners to partly deflect the line of the boundary from the line of the one hundred and forty-first meridian.

The summit of Mount St. Elias, the ascent of which has not yet been made, is a height of great elevation, estimated at 14,000 feet above the level of the sea, visible for many miles along the coast in that region, situated only a short distance from the line of the meridian, and is therefore a very convenient landmark whereby the initial portion of the said meridian may be defined and established.

Besides this, it appears from the letter of General Duffield, of the Coast and Geodetic Survey, addressed to the chairman of this committee, the Hon. Cushman K. Davis, of date of April 28, 1897:

That there is little doubt that the precise intersection of the one hundred and forty-first meridian with the 10-marine-league line will fall upon the surface of either the great Malespina Glacier or one of its numerous tributaries. This precise intersecting point can not, therefore, be permanently marked, since these glaciers are in constant motion, and any monument placed upon their surface will soon be carried into the sea.

So that a permanent as well as a visible monument, such as that of the summit of Mount St. Elias, is much needed and very desirable on this line of the survey.

The territory to be affected by this deflection is quite small, the area being calculated at the office of the Coast and Geodetic Survey as containing 13 square statute miles. The portion of the country comprised in it is uninhabited and seems to be uninhabitable; the whole tract is of little or no calculable value, so that the only question to be considered is one of convenience and expediency in improving or perfecting the monuments of the boundary line.

We do not admit that the summit of Mount St. Elias is beyond or outside of the line described in the treaty of cession by Russia to the United States and in the treaty before mentioned between Russia and Great Britain, as a limit "formed by a line parallel to the winding of the coast, which shall never exceed the distance of 10 marine leagues therefrom."

The summit of Mount St. Elias is within that line. It is not on the line of said meridian, though not very far from it. Being on neither line, it is therefore not at the point of intersection, nor do we wish to remove that point.

We are nevertheless willing, for the very important reasons before set forth herein, that it may be used as a natural landmark and perma-

nent monument in the initial part of the line of delimitation which may be adopted under the discretionary deflection authorized in the clause of article 1, now under consideration. That position called the "initial point," as far as the same relates to the true line of said meridian, if it be adhered to, is sufficiently designated by the terms of the treaty; and we think that the place or position called the "initial point" in the actual line of deflection, if the same be adopted, ought to be designated with like certainty.

For this purpose we recommend that the word "initial," in line 71 of the last clause of article 1, be stricken out, and that the following words be inserted immediately after the word "point," in the said line of said clause and article, so that after the word "Elias," in the seventieth line of said clause and article, the same shall close and conclude as follows: *Such deflection not to extend more than twenty geographical miles northwardly from the point of intersection, as deflected.*

FIFTY-FIFTH CONGRESS, SECOND SESSION.

February 21, 1899.

Mr. Foraker made the following report:

The Committee on Foreign Relations, to whom was referred the treaty of extradition between the United States of America and the United States of Brazil, signed at Rio de Janeiro May 14, 1897, and a protocol amending the same, signed at the same place May 28, 1898, having had the same under consideration, beg leave to report the convention to the Senate, with the recommendation that it be advised and consented to with the following amendments:

Article IV, after the word "extradition" in line 4, insert the words *other than the crime or offense for which he was extradited.*

Same article, in the following line, after the word "country," insert the words *which has obtained the extradition.*

Same article, at the end of the first paragraph of said article, after the word "trial," insert the word *therein.*

Same article, in the third line of the second paragraph thereof, after the word "extradition," insert the words *other than the offense or crime for which he was extradited.*

FIFTY-FIFTH CONGRESS, SECOND SESSION.

February 25, 1899.

[Senate Document No. 331.]

Mr. Davis, from the Committee on Foreign Relations, presented the following report of delegates from United States to Brussels Conference, under the Convention for the Protection of Industrial Property, concluded at Paris, March 20, 1883, to accompany Executive D, second session, Fifty-fifth Congress, message from the President of the United States, transmitting an authenticated copy of the Industrial Property Convention, signed at Brussels on December 14, 1897, by the delegates of the United States and other powers, recommending amendments and additions to the Convention for the Protection of Industrial Property, concluded at Paris March 20, 1883:

BRUSSELS, *December 15, 1897.*

SIR: We, the delegates from the United States to the Brussels Conference under the Convention for the Protection of Industrial Property, concluded at Paris March 20, 1883, respectfully report that we have attended and participated in all the meetings of the Conference which began on December 1 and adjourned December 14 to meet again after certain diplomatic correspondence shall have been concluded.

The conference was more largely attended than either of its predecessors held at Rome and Madrid. It was especially remarkable for the active part taken in its proceedings by States not yet adhering to the Union, viz, Austria-Hungary, Germany, Chile, Ecuador, Japan, Mexico, and Turkey.

Of the unionist States Belgium was represented by four delegates and a secretary, Brazil by one delegate, Denmark by one, France by three, Great Britain by three delegates, a technical adviser, and a secretary, Italy by three delegates, the Netherlands by one, Norway by one, Portugal by two, Servia by one, Spain by two, Sweden by one, Switzerland by two, Tunis by two (one of whom was the French minister to Belgium, who also appeared for France), making with ourselves thirty-one delegates.

Each country had but one vote, but the advantage of a number of delegates in committee and other work, often going on simultaneously, was apparent.

The nonunionist States were represented as follows: Austria-Hungary by two delegates, Germany by three, Chile by one, Ecuador by two, Japan by three, Mexico by one, Turkey by two.

The International Bureau was represented by M. Henri Morel, the director.

1. PROPOSITION OF THE UNITED STATES TO AMEND ARTICLE 2 IN THE INTEREST OF RECIPROCITY AND SOLUTIONS PROPOSED BY OTHER MEMBERS OF THE CONFERENCE.

We learned at the very opening of the Conference that most, if not all, of the other States of the Union had been instructed to oppose the proposition of the United States to add a paragraph to article 2 allowing reciprocity as to fees, and also as to the subject-matter of patents. We therefore asked that the proposition be sent to the committee on patents, where there seemed to be a better opportunity of proper consideration than in the open sessions of the Conference. We found unanimous opposition to the proposition in the committee, which could not be removed by argument. The statement of "motives" given in

support of the additional paragraph—which show the lack of reciprocity in the matter of patent grants between the United States and the other nations of the Union—did not carry weight with the other delegates, because, as they said, there were other solutions of the difficulties pointed out in the “motives” which were not inconsistent with their understanding of the principle laid down in article 2, viz, that citizens of any State of the Union shall enjoy in every other State the same rights as citizens of the latter.

The solutions referred to were the requirements from both citizens and aliens in case of an application abroad for a patent for an invention prior to an application for a patent therefor in the United States.

(a) Of the payment of the same fees in the United States as required in the country (or one of the countries to be designated) where previously applied for.

(b) Of a limitation of the patent granted in the United States in such case to the same subject-matter as protected by patent in the country (or one of the countries to be designated) where previously applied for—e. g., if the laws of said country allow the grant of a patent for a process only and not for the product of the process—that then no patent shall be granted in the United States for the product, but only for the process.

(c) Of a condition in the patent granted in the United States in such case that it shall become null in case the invention is not worked in the United States or licenses are not granted thereunder as required by the laws of the country (or one of the countries to be designated) where previously applied for.

It was pointed out that it is not likely that our citizens will first apply for patents abroad, whereas it is most probable that those who reside in those States which enforce the laws against our citizens to which we object will first apply in such countries and come under the limitations imposed in the interests of reciprocity.

Such provisions are not new in our law. An example is found in the patent act approved March 3, 1897, which amended section 4887 of the Revised Statutes so as to limit the grant of patents to both citizens and aliens for inventions for which applications had been previously made in other countries. This statute was not objected to in the Conference because of any claim that it is not in full accord with article 3 of the Convention.

The committee, after the discussion which brought out the suggestions for the solution of our objection to the Convention because not reciprocal toward us, reported that—

The committee finds that the proposition of the Government of the United States is inspired by ideas which are in formal opposition to the terms of article 2 and the general spirit of the Convention. Under these circumstances it has rejected the proposition with the unanimity of its members, except the United States.

We immediately replied, in substance, that the United States has always maintained the principle that its national legislation should be as liberal as possible in its provisions concerning patents for inventions; but that a number of countries have, on the contrary, maintained, or introduced into their laws since the Convention of 1883, serious restrictions to the detriment of American citizens, which the Convention does not sufficiently minimize; that its results are reciprocally unequal, and sometimes wholly unjust to the individual members of the Union.

We further said that the United States has sought a means of remedying this inequality by a modification of the Convention itself,

and that if the Conference, by adopting the views of the committee, should not accept the proposition of the United States, it would probably be obliged to introduce restrictions into its legislation in order to preserve, as far as possible, its interests which are now sacrificed.

No criticism was attempted upon the stand taken by us.

PROPOSITION OF THE UNITED STATES TO AMEND ARTICLE 4 SO AS TO REMOVE ANY QUESTION AS TO THE EFFECT OF AMENDMENT OF APPLICATION.

The United States supplemented the propositions of the International Bureau of Berne to amend and add to article 4 by a proposition to add an explanatory clause in regard to amendments made in the application for a patent in the United States, because of the requirements of the Patent Office.

All the proposed amendments of article 4 were examined with care and the evident intent to give the inventor a free period of time before the applications succeeding the first application for a patent during which he might do those things—such as a publication of a description of the invention, its working, or its introduction, which (if happening before the application) would render a patent in most of the European countries of the Union invalid.

The question has been asked by our people: "What is the effect of the words 'by a third party' (*par un tiers*) in article 4, and also what is the effect of the amendment of the application in our Patent Office on an application made under the Convention?"

The committee on patents of the Conference recommended that the words "*par un tiers*" be suppressed, which recommendation was adopted by the Conference.

The committee further reported, as follows:

The subcommittee, after having established by the explanation of the "motives" that the proposition of the United States applies only to the exercise of the right of priority, is of the opinion that the proposition is unnecessary, since it is incontestable that the restrictions given to the original description during the preliminary examination can not prejudice the right of priority as established by article 4.

The further statements made on the minutes of the Conference seem to settle any doubt as to the construction to be given to article 4. It seems clear, therefore, that with the suppression of the words "*par un tiers*," if agreed to by the contracting States and the interpretation given to the article by the Conference, an American inventor can apply for a patent for his invention in the United States and within the period of seven months thereafter can make a similar application in any of the other States of the Union and obtain a valid patent, notwithstanding the absence of absolute novelty as to the public before and at the time of the application. In other words, that an applicant in the United States for a patent for an invention not theretofore described or made known so as to be unpatentable in other countries of the Union may go into such country and offer his invention for sale like any other commodity during a period of seven months.

The proposition of the International Bureau to amend article 4 so that each State of the Union should fix for the application for a patent first deposited with it a date of commencement of the period of delay of priority at a point between the date of the filing of the application and the issue of the patent was withdrawn before article 4 was considered.

3. PROPOSITIONS OF OTHER STATES.

It is to be regretted that so few of the States of the Union complied with the resolution, adopted on the motion of the delegates from the United States at the Madrid Conference, that propositions for the amendment of the Convention should be presented in advance of the Conference. On account of such neglect some of the delegates were without instructions on important questions which were raised, and instead of the work being finished at the conference important parts were postponed for diplomatic correspondence. Excuses were made that the Conference was called in advance of the time originally set (May 1, 1898), at the earnest request of Spain, which desired an interpretation of the Madrid agreement of April 14, 1891, relating to false indications of origin. This interpretation, it was stated, would have some bearing upon a litigation then in progress in France over wine, alleged to bear a false indication of origin while in transit through France to England and Belgium.

The International Bureau presented in advance of the Conference a very exhaustive series of propositions covering the whole ground of the convention as well as of the agreements of Madrid. These propositions were made after long observation of the workings of the Convention by the officials of the International Bureau, and also in view of the discussion which the Convention had provoked in many countries, and at a congress concerning the protection of industrial property held at Vienna in October, 1897. A copy of such propositions is sent herewith.

The Netherlands proposed to add to article 4 the words "regularly made," so that the period of priority for designs, industrial models, and trade-marks should only run from a deposit regularly made. It further proposed to exclude from trade-marks entitled to registration "proper or commercial names which the depositor is not entitled to use," meaning the names of strangers adopted without authority. (Art. 6, par. 4.)

It further objected to the amendment of article 10 proposed by the International Bureau as too broad.

Belgium also objected to the new article 4 *bis* proposed by the International Bureau and offered a substitute.

The propositions of the International Bureau, of the Netherlands, of Belgium, and of our Government were the only ones relating to the Convention of 1883 submitted prior to the Conference.

Spain proposed amendments to both of the agreements of Madrid and the Netherlands to the agreement for the international registration of marks.

Propositions of the French delegation were presented on December 1. They relate to persons assimilated to citizens of contracting States (article 3), and also to "unfair competition in trade"—a subject not provided for in the Convention. The proposition of the British delegation to limit the trade-marks entitled to registration under the Convention (article 6) was also presented on the same day.

Immediately after the opening of the Conference the Netherlands modified their proposition in regard to article 10 of the Convention, and Germany, Italy, and Sweden severally proposed modifications of article 4 *bis*, proposed by the International Bureau. Later Belgium, Hungary, and Servia made propositions. We transmit copies of the

various propositions herewith. It will be observed that the propositions of the International Bureau as originally printed were modified in the "Tableau Général des Propositions."

After considering the various propositions the Conference adopted a first final protocol relating to the Convention of 1883, and those States which had adhered to the Madrid agreement of 1891 in relation to international registration of trade-marks adopted what is called a second final protocol in relation thereto.

4. FIRST FINAL PROTOCOL ADOPTED BY THE CONFERENCE.

The amendments to the Convention adopted, and which now go to the various States of the Union for ratification, are annexed hereto as Appendix A.

The amendments and reasons therefor may be briefly stated as follows:

Article 3.—The amendment to article 3 provides that citizens of a country not forming a part of the Union may be entitled to the advantages of the Convention to the same extent as the citizens of any country which is a member of the Union, if they are either domiciled in the latter country or maintain "effective and serious" industrial or commercial establishments therein. This amendment was intended to prevent the advantages of the Convention going to citizens of nonadhering countries who might maintain very small or trivial establishments as a pretense for obtaining such advantages.

Article 4.—The amendment to article 4 by striking out the words "by a third party" (*par un tiers*) removes a possible difficulty in the application of the article which might arise from an interpretation that the permitted disclosure, working, or importation could only be made by a third party, thus excluding the inventor himself from the right to publish, exploit, or introduce his invention, which right is the very thing desired by the United States, as before stated.

Article 4 bis.—A new article, entitled article 4 *bis*, provides for the mutual independence of patents applied for in the different States of the Union by persons entitled to the rights granted by the convention.

We supported this proposed new article, as instructed by you.

In order to avoid any confusion in regard to the interpretation hereafter to be given to the second paragraph, which reads: "This provision shall apply to all patents existing at the time of its entering into force," we called attention to it in the regular meeting and found that it was the unanimous sense of the Conference that the paragraph was not applicable to existing United States patents, but only to those patents whose terms might be shortened by the laws of those States of the Union in which provision is made for a shortening of the term on the lapsing of patents for the same inventions in other States.

An existing United States patent can not be affected by what may take place in regard to a patent for the same invention abroad. The limitation of the terms of the United States patents imposed by section 4887 was a determination at the moment of the grant of the patent of its term, and therefore the duration of the patent is unaffected by the subsequent expiration of a foreign patent for the same invention by reason of nonpayment of taxes or nonworking.

While there exist no patents in the United States which can be affected by article 4 *bis*, it may still affect advantageously the foreign patents of American citizens, and is, therefore, a provision in the interest of our people.

Article 9.—The amendment to article 9 is merely a permission to those States which do not practice seizure to substitute in place thereof the exclusion of the offending goods.

Article 10.—The amendment to article 10 is the introduction of the “producer” and of his “products” to the protection of the Convention. This is intended to cover agricultural products and is of great interest to the American people as large exporters of such products. The amendment further extends the number of “interested parties” entitled to take proceedings for the suppression of infringements from those dwelling in a locality to all those dwelling in the region in which the locality is situated.

Article 11.—The amendment to article 11 is to make the protection accorded to exhibits at international exhibitions more efficient, but it would seem that the addition of the words “according to the legislation of each country” takes away much of the force of the article.

Article 14.—The amendment to article 14 strikes out the words “the next meeting shall take place in 1885 at Rome.” A conference was actually held in Rome in 1886. The amendment seems to be a matter of taste merely.

Article 16.—The amendment to article 16 fixes with greater certainty the date of adhesion of a new State to the Convention and allows such State a choice of such date.

Recommendation.—These amendments can in no instance, in our opinion, prejudice the citizens of the United States, and should be adopted.

5. SECOND FINAL PROTOCOL ADOPTED BY MEMBERS OF THE UNION ADHERING TO THE MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF TRADE-MARKS.

The United States has not adhered to the Madrid agreement of April, 1891, in relation to the international registration of marks, but as your instructions required us to take part in the perfecting of this agreement, we gave the same attention.

The amendments to this agreement which were adopted by the States adhering thereto are annexed as Appendix B.

The amendments and reasons therefor may be briefly stated as follows:

Article 2.—The amendment to article 2 provides for a limitation of the advantages of the agreement to those persons who, on the territory of the restricted union created by the agreement, shall fulfill the conditions of article 3 of the general convention.¹

Article 3.—The amendment to article 3 provides for the publication of registered marks by means of a stereotype furnished by the registrant. This replaces the description of the mark previously allowed. The amendment further provides for a claim to the color of the mark and means for determining the same.

Article 4 bis.—This new article provides for the substitution of the international for the State registration without prejudice to the rights acquired by the latter.

It is apparently the intention to make the International Bureau at Berne the center of a cheap registration which shall be efficient over the territory of all the adhering States. The desirability of such

¹Amended article 8 of the convention is referred to at page 436, ante.

registration is apparent on reference to the German trade-mark law now in force, which provides that the first applicant for the registration of a mark used by him in Germany is entitled to registration, although the very same mark may have been previously and publicly used by someone else for many years.

Article 5.—The amendment to article 5 limits the right of an adhering State to declare that protection will not be accorded to a trade-mark, except on the conditions applicable to a mark for which national registration is applied for under the Convention of March 20, 1883.

The only condition contained in the Convention is that registration may be refused if the object for which it is demanded is considered as contrary to good morals or to public order. (Article 6, Convention.)

This amendment is a step forward both in the way of liberty of adoption of marks and of uniformity in their protection.

Article 5 bis.—This is a new article providing for the furnishing of copies of the entries made in the register relative to any mark.

Article 8.—The amendment to article 8 provides that the fee of the International Bureau, in addition to that of the State of origin of the mark, shall be 100 francs for the first mark and 50 francs for every additional mark deposited at the same time by the same proprietor.

The great cost of registration by private enterprise in the various commercial countries of the world is set forth in the "motives" accompanying the propositions of the International Bureau and is also a matter of common knowledge.

Article 9 bis.—This is a new article, as follows:

When a mark entered in the international register shall be assigned to a person established in a contracting State other than the country of origin of the mark, notice of the assignment shall be given to the International Bureau by the Government of said country of origin. The International Bureau shall register the assignment, and after having received the assent of the Government to which the new owner belongs shall give notice to the other Governments and publish it in its journal. The present provision does not have the effect of modifying the laws of the contracting States which prohibit the assignment of the mark without the simultaneous conveyance of the industrial or commercial establishment whose products it distinguishes.

No assignment of a mark inscribed in the international register made on account of a person not established in one of the contracting countries shall be registered.

We annex a copy of the agreement for the international registration of marks, together with a translation, for the better understanding of the amendments, Appendix D.

We are of the opinion that registration under this agreement would be of advantage to the citizens of the United States both as respects economy of registration and security in the enjoyment of their marks, and we recommend that steps be taken to secure to them such advantages.

6. PROPOSITIONS LEFT TO DIPLOMATIC CORRESPONDENCE.

The propositions in regard to which the Conference arrived at no conclusions, and which provoked the most discussion and took up the greater part of its time, were left to diplomatic correspondence, to be undertaken by the Belgian Government.

These propositions relate, respectively:

To the duration of the period of delay of priority (patents, art. 4);

To the forfeiture of patents for nonworking (art. 5);

To the admission of trade-marks to registration (art. 6);

To the usurpation of marks used but not registered (art. 7 *bis*, new);

To unfair competition (concurrency déloyale, art. 10 *bis*, new).

A. DURATION OF PERIOD OF PRIORITY.

The propositions of the International Bureau that the period of delay of priority granted by article 4 be extended from six months for European States and seven months for the United States to a uniform period of twelve months was in reality pressed by the German delegates, who stated that their Government could not adhere to the Convention unless such extension was granted, for the reason that it took about nine months to complete the examination of a patent in the German patent office, wherefore a delay of six months would be without advantage to their citizens. They further stated that it was just that an applicant should have the benefit of the examination made by the Government and its opinion thereon before being required to determine what other applications he should make.

It was pointed out by the French delegates in opposition that the period during which the inventor was not compelled to make his application subjected the manufacturer who wished to undertake the exploitation of a new invention to a long delay prior to the determination of the question whether the invention could be used or not; and further, in some cases where he was ignorant of a prior application and entered upon the manufacture, to unjust loss. The present article contains conditions so onerous upon their people that they would not consent to their extension.

Our remark on this statement was that in practice, as illustrated in the United States, a new invention had to be brought to the attention of the public by the inventor before it was taken up by the manufacturer, and that the latter was therefore put upon his guard as to the use of the invention. The period of delay of priority was in fact a period of time allowed to the inventor in which to take advantage of the laws provided for his protection, and might be regarded, from the point of view of the manufacturer to whose attention the inventor had caused his invention to be brought, as though it had been kept secret.

We also remarked that the only other case that there could be was that of a separate invention by the manufacturer, which raises a different question, viz, that of the rights of independent inventors.

We voted for the proposition to extend the period of priority to twelve months, explaining, however, the limitation in our own law of seven months after application abroad in which application may be made in the United States, a period not of priority as understood under the convention, but of limitation only.

The countries voting for the extension were Belgium, Brazil, Spain, the United States, Italy, Norway, the Netherlands, Sweden, and Switzerland. Those voting against were France, Portugal, Servia, and Tunis. Denmark abstained from voting, the Danish delegate having stated that the extension would require a change in their law, which now fixed the period of priority at seven months.

We believe that the extension of the period of priority to twelve months would give our inventors many advantages, some of which are stated in the "motives" for the second proposition of the United States, and that such extension would not conflict with the intent of the Congress in passing the patent act of March 3, 1897, since that act permits of the public user of inventions in the United States for two years before application for a patent, and further because it was stated by the committee on patents prior to the passage of that law

that the period of seven months was taken in order to conform to the convention of 1883.

We recommend the adoption of this proposition.

B. FORFEITURE OF PATENTS FOR NONWORKING.

It was proposed to extend the period after the grant of a patent during which it could not be forfeited for nonworking to three years.

This proposition, like the last referred to, was offered by the International Bureau and pressed by the German delegates, who made it also a condition of adhesion to the Convention.

It has been claimed by our citizens that the working of patents taken out by them abroad is a great burden, as it often happens that either the invention is slow in its advance in public favor, or that one establishment can better supply the public demand through better facilities of manufacture or otherwise than a number.

On the other hand, the argument is urged by the countries which require working that it is unfair to the people to grant what may become obstructive patents to the advantage of strangers and without any corresponding compensation.

During the session of the Conference a society of patent agents of Brussels passed resolutions which state so clearly the position taken by some of the delegates in the Conference that we translate them:

Considering that, as a patent is a privilege granted by society on the condition that it profit from the discovery, as well from the point of view of the inventive spirit of the people which it stimulates as the material advantages which it procures, that that condition should be realized during the life of the patent and not alone at its expiration, the moment when the invention has often lost its value;

Considering that the laws of the various countries have almost unanimously required the obligation to work (*exploiter*);

Considering that, as working (*exploitation*) includes manufacture as well as use, use in this country alone of the product manufactured abroad is not sufficient;

Considering that, as the principle is universally recognized that national industry can not be tributary to foreign industry, the introduction in default of the obligation to work would be a cause of considerable harm to commerce and industry;

Considering that an account should be taken of the economic conditions of countries and of the marked inferiority in such conditions, which is found in some of them;

Considering that, as the provisions of the International Convention are drawn not only for the profit of the inventor but also in the general interests, its effect can not be to modify the legal system that each country has believed that it ought to adopt for the defense of the interests of its people; that this principle has been notably embodied in section 2 of article 5 of the Convention;

Considering that the obligation to work is not so onerous when the patentee has the faculty of representation in each country or to grant licenses; but, further, that in certain cases the actual conditions may be mollified by taking the offer of the invention under equitable conditions to industry and commerce as constructive working;

Considering, especially from the point of view of Belgium, that it is useful to recall what was said by Mr. Jobard, author of the project of law in regard to the obligation to work in the Kingdom in the course of the year which follows the beginning of the introduction abroad:

"We have considered the matter from a point of view which responds especially to the fear that an inventor will draw from abroad only those objects for which he has obtained a patent."

Resolved, unanimously, That the International Conference (a) should maintain the obligation prescribed by the various laws to work inventions, with this modification, that the patentees may excuse their inaction for cause, especially by offers which they may have made on conditions equitable to commerce and industry; (b) should decide that the introduction by the patentee of the thing patented into the country where the patent has been granted can only be allowed as an exception.

The principle of compulsory working is embodied in the oldest of patent laws, that of France, and is also found in some of the most recent, such as Russia, Austria, Hungary, and Switzerland. Compulsory license was introduced by England into the patent act of 1884. The German law of 1891 combines the features of both. For convenience of reference we have added an appendix (J) containing some of the laws in regard to compulsory working and compulsory license.

Obstructive patents which are used to prevent the manufacture or use of a patented article or the use of a patented process or machine in the country granting the patent were recognized in the Conference as an evil. An example was given of owners of an English patent for a dye who would not make use of or sell the dye in England, because they wanted to sell in England cloth dyed abroad with the dye also made abroad. Proceedings, it was said, had been taken under the compulsory-license section of the English patent law to compel a license under the patent to the English weavers who desired to use the dye.

The particular proposition brought before the Conference by the International Bureau near its close and voted upon was as follows:

Nevertheless the patent can not be declared lapsed because of nonworking in the country until after a minimum period of three years, and in the case where the patentee does not justify his inaction.

Shall be considered as justification of inaction the fact that the patentee has offered licenses on equitable terms by means of publications recognized as sufficient and that these offers have been fruitless.

The subcommittee did not adopt the proposition, but offered as a substitute:

The patentee shall remain subject to the obligation to work his patent conformably to the laws of the countries where he introduces the patented article. The patent can never lapse because of nonworking until after a delay at the least of — years and in the case when the patentee does not justify the cause of his inaction.

The substitute was not adopted by the Conference, which passed a vote on the first clause of the proposition of the international bureau as to the length of the delay. This was put to vote twice; first a period of two years was voted unanimously, and then a period of three years by all the States except France, Portugal, Servia, and Tunis, which voted in the negative.

The remainder of the first paragraph, "and in the case where the patentee does not justify his inaction," was sustained by all those who voted, including ourselves, but Belgium, Denmark, and Sweden abstained from voting.

The question of giving an example of such justification as in the second paragraph was negatived.

It is apparent that the abolition of working altogether would be an act of reciprocity toward the United States, which now grants unrestricted patents to citizens of countries which impose such a condition.

The exemption for a period of three years, or even two years, as unanimously voted, may be accepted as a step toward such reciprocity.

C. THE ADMISSION OF TRADE-MARKS TO REGISTRATION.

The question, What should be a trade-mark entitled to registration under the Convention? was discussed at great length in committee.

The proposition of Great Britain presented at the opening of the Conference was as follows:

Article 6 to be maintained in its present form, with addition of the following provisions:

This ground of refusal is applicable to marks containing—

- (a) Public arms and decorations.
- (b) A word or words referring to the nature or quality of the goods, or a geographical word or words, unless the depositor state in his application that he lays no claim to any exclusive right to the use of these words or names.
- (c) The name or names of a person or company unless such name be printed or woven in a distinctive shape, or consist of the written signature in original or facsimile of the person or company which makes the deposit.

Paragraph 4 of the final protocol to be suppressed. (Original English text.)

The statement of reasons accompanying the proposition is annexed as Appendix F. In substance, the statement alleges that article 6 and the interpreting protocol—

appear to authorize the foreign depositor to claim protection for a mark for which registration would not be accorded to a national, because the local law does not allow of such a mark being considered as entitled to registration.

An instance may be quoted which will prove to the Conference the danger of allowing the registration of marks without any restriction. If, for instance, some one succeeded in getting the words "pig iron" registered as a trade-mark in one of the contracting States, would all the States of the Union be bound to grant protection for these words, even England and the United States, where no other terms exist for designating the substance?

It would be contrary to the interests of all Unionists to grant to an individual the exclusive right of using terms bearing on the nature or quality of goods, geographical names, or names of individuals or societies. Such words or names should always remain public property; no one can wish a monopoly in them to be granted to a private person.

The proposition was referred to a subcommittee, which reported the different opinions of its members by name and that an amendment to replace paragraph 1 of article 6 had been offered by the Chevalier Beck de Mannagetta, delegate from Austria, viz:

No trade-mark regularly deposited in the country of origin can be refused registration in the other countries of the Union except for the reasons which shall be equally applicable to marks of nationals.

That this amendment was accepted by the delegates of Great Britain and the Netherlands.

The report further said that the amendment implies the abrogation of paragraph 4 of article 6, as well as the entire provision No. 4 of the final protocol.

The report gave rise to a long discussion, of which the most salient feature was the distinction between old marks adopted to conform to no special prescribed form and those which may now be adopted under rules and regulations provided by some of the members of the Union.

As to marks long in use and clearly indicative of origin, there does not seem to be the same reason to apply strict rules as to new marks adopted to designate some new object of trade or manufacture or some new merchant or artisan.

Further, there was a clear separation in the debate between those countries which make the registration of the mark attributive of property, like Germany, and those where the registration is merely declaratory of a right, like France. In the one case the administrative officer passes once for all upon the validity of the mark in view of a certain standard set up by the law, and in the other case the regis-

tration is merely formal and the courts pass upon the validity of the mark in case of dispute.

Article 6 was again sent to the committee, and the British delegates submitted a revised text of their original proposition, as follows:

The English delegation proposes to maintain in its integrity article 6 of the convention, as well as No. 4 of the final protocol, with the addition of the following provision:

"It shall be permissible to each of the contracting States to refuse deposit in the following cases:

"1. Marks consisting exclusively of the name or names either of a person or of a company, unless these names be presented for deposit in a distinctive shape, or consisting of the signature in original or in facsimile either of the person or of the company which makes the deposit.

"2. Marks consisting either of a designation necessary for the indication of the nature or quality of products or of geographical names, unless the depositor in his application make a declaration to the effect that he lays no claim to any exclusive right to the use of these designations or names by themselves and without prejudice to the protection to which indications of origin are entitled.

"Denominations which do not indicate origin, as well as invented names in the two preceding cases (1 and 2), shall continue to be protected.

"3. Marks which include public arms or decorations without sanction from the proper authorities."

The committee reported nonagreement upon a form of amendment and a general discussion again arose, in which the British delegates said that it seemed indispensable to state in the Convention that registration which would give an exclusive right of use of such marks as contain geographical names could not be allowed, and the French delegates again affirmed that the spirit of the Convention required that marks be registered such as they are (*telle quelle*). The question as to what should be severally done with the two classes of marks, new and old, seemed to be wholly unobserved, although such a distinction is specially made in the English law, and the contest was waged on a right given by registration which might not thereafter be removed.

At a later session of the Conference the committee reported that they had again considered the revision of article 6, and that the British delegation had again offered its proposition in the form above.

The general discussion which followed showed a great diversity of opinion as to the proper interpretation of article 6 in connection with No. 4 of the final protocol. It seemed to the German and Austria-Hungarian delegates that under the article as it is when read in connection with final protocol No. 4 they would have a right to refuse registration to marks which did not conform to their law, e. g., descriptive marks, those which had fallen into the public domain, and objects which could not be considered as marks. This was disputed by the French delegates, and the question of what constitutes a trade-mark was again gone over, the whole discussion being tinged, as before, with the color of the attributive or the declarative position taken by each State, or by the views of those who favored the decision of the validity of trade-marks by administrative officers rather than by the courts after discussion by opposing counsel.

The provisional vote on the British proposition was as follows: In favor, Brazil, Denmark, Spain, Great Britain, Norway, The Netherlands, Servia, Sweden, Switzerland; against, the United States, France, Portugal, and Tunis. Belgium abstained.

We are of opinion that the proposed amendment of Great Britain goes too far. There are many old marks in use in the United States

which may have been adopted without sufficient consideration, but which by their age have now lost their descriptive character and taken on a secondary meaning. These are not in the same category as new marks, and ought not to be subject to an arbitrary standard which did not exist when they were adopted. By the Convention as it is all such marks are protected—at least ought to be.

D.—THE USURPATION OF MARKS USED BUT NOT REGISTERED.

This question is very intimately associated with that of registration, which we have just discussed. The countries whose laws make the registration attributive of right will not recognize marks which are used only, but are not registered, whereas those countries which make the registration declarative only do regard the age and extent of use of the mark in question.

In Germany the registration is attributive and carries with it certain property rights, the first applicant who fulfills the condition of the law being given the sole right to use the trade-mark, no matter how short his use, thus cutting off the rights acquired by any other person by a use for no matter how many years. Further, we should say that this does not rest in theory, but has become a matter of practice, although the law only entered into effect October 1, 1894. In anticipation of the effect of the law in giving the mark to the first applicant in case of rival dealers it is said that more than 8,000 applications were filed on one day at the entering into effect of the law.

The laws of France may be cited as an example of declaratory legislation. The registration in France is merely a declaration of claim which must be made before suit is brought, but the decision as to the validity of the mark is left to the courts. Our own legislation is in effect the same.

The International Bureau proposed the following new article to remedy the evident evil effect produced by trade-mark laws attributive of property, viz:

ARTICLE 7 *bis*. A mark known in commerce as designating the goods produced or sold by a person fulfilling the conditions of article 2 or 3 of the convention, or an imitation of that mark, can neither be validly registered for the benefit of another, nor fall into the public domain in the other contracting States, even if no steps have been taken for the registration of the same.

The Belgian delegation proposed as an amendment that article 7 *bis* should read as follows:

ARTICLE 7 *bis*. A trade-mark can not fall into the public domain, nor be validly registered by another in one of the States of the Union as long as it shall be the subject of a first right in the country of origin.

The subcommittee on marks, to whom the propositions were referred, discussed also a third proposition drafted by the French delegates, viz:

A mark regularly registered in the country of origin and not registered in the other countries of the Union can not be legally appropriated by a third party in these countries if this appropriation has been made in bad faith. In case of appropriation made in good faith, if the originator of the mark proves his priority, he can introduce his products into the country of the second user without giving the latter the right to bring an action.

The original proposition of the International Bureau being brought up for consideration at the afternoon session of December 11, the committee to whom it had been referred reported that the delegates from

Austria-Hungary, and the United States, France, Italy, the Netherlands, and Sweden had united in proposing to the Conference the text agreed to at Madrid, viz:

A trade-mark can not fall into the public domain in one of the States of the Union as long as it shall be the subject of an exclusive right in the country of origin.

Also that France and the International Bureau had withdrawn their propositions.

In the discussion which followed, both the Swedish and Servian delegates stated that the proposed amendment was in opposition to the laws of their respective countries, which make registration attributive of property.

The proposition being put to vote, all the States whose laws made the registration declarative of property only, voted in the affirmative, viz. Belgium, France, Italy, the Netherlands, Portugal, Switzerland, Tunis, and the United States. There was one vote in the negative—Servia—and five abstaining, viz. Brazil, Denmark, Great Britain, Norway, Sweden, and Spain.

It is clearly in the interest of those countries like the United States, whose laws make the registration of marks declaratory of right only, that some such amendment to the Convention should be adopted as a safeguard against the loss of marks by registration by others in countries whose trade-mark laws are attributive of property and give the mark to the first comer.

E.—UNFAIR COMPETITION IN TRADE.

The Conference has reserved for diplomatic correspondence substantially the whole subject of trade-mark protection. It has left to that correspondence the admission of trade-marks to registration, the usurpation of old marks not registered, and unfair competition in trade. We have seen the difficulties growing out of the different systems of registration, and suggest that the introduction of this latter protection to trade into the Convention will mitigate much of the hardship which is likely to arise from the lawful adoption and registration by strangers in their own country of old marks in other countries. There may be unfair competition in trade which will be restrained by the courts without the element of the infringement of a valid trade-mark. The two rights may exist side by side, as in France, England, and the United States.

The special proposition before the Conference offered by France is as follows:

The beneficiaries of the Convention (articles 2 and 3) shall enjoy in all the States of the Union the protection against unfair competition accorded to nationals.

We think that a provision in this tenor should be added to the convention.

7. COLLECTIVE MARKS.

The proposition of the International Bureau (IV) for the making of an additional agreement in relation to marks of collective origin between such members of the Union as chose to sign the same was abandoned because of the clearly expressed opinion among the members of the Conference that it would be disadvantageous to the well-being of the Union under the convention of 1883 to create any more subsidiary unions or allow any further subsidiary agreements.

The desirability of the protection of marks indicating collections of individuals was universally conceded, and the suggestion was made that they should be brought under the Convention itself.

The subcommittee on marks, to which the proposition of the International Bureau was referred, reported that they had agreed to propose to insert in the Convention the following:

Collective marks shall be protected in the same manner as individual marks on condition that legal protection shall have been acquired in the country of origin.

In every instance this protection shall not be accorded except to the extent that the legislation of each contracting State permits.

After a discussion which brought out the statement that such marks were not the subject of protection in some countries, the words "in the case" were added to the second paragraph, so that the same would read "Except in the case and to the extent." The proposition thus amended was put to vote, with the result of eight affirmative and four negative votes, and three abstaining.

A proposition of the French delegates as follows:

"The provisions of article 6 are applicable to collective marks," was then put to vote, with the result of eight votes in the affirmative and six in the negative, one abstaining.

On the suggestion of the president the Conference passed the following resolution:

The Conference expresses the desire that collective marks shall be protected in the same manner as individual marks in the countries of the Union.

8. RESOLUTIONS ADOPTED BY THE CONFERENCE.

In addition to the resolution adopted by the Conference that collective marks should be protected, a desire was also expressed in regard to the completion of legislation for the protection of industrial property, as follows:

That those of the States of the Union which do not possess laws upon all the branches of industrial property (patents for inventions, industrial designs or models, trade-marks, trade names, indications of origin) complete their legislation therein as soon as possible.

Industrial designs and models.—A resolution was also adopted (but by a vote of 9 to 2, some abstaining) as follows:

The Conference expresses the desire that the legislation of each of the contracting States shall permit the depositors of industrial models or designs to obtain legal protection therefor during ten years at the least.

This resolution gave rise to some discussion as to the principle on which such right is based, whether it was not analogous to copyright, and a stranger to patent right. This was the only theoretical proposition presented to a very practical Conference.

A resolution to provide for the international registration of industrial designs and models, proposed by the International Bureau, was withdrawn on its being shown that in certain countries industrial designs and models are deposited in sealed envelopes.

Patent drawings.—The Conference adopted the following:

The Conference expresses the desire that an understanding between the States of the Union concerning the production of drawings to be annexed to applications for patents should be had, so that one sole and same drawing multiplied by technical process can be utilized for the applications for patents deposited in each of the States.

Propositions should be forwarded to International Bureau prior to conference.—In order to avoid the difficulties arising from delegates being without instructions, to which we have referred, we renewed the resolution which was introduced by our predecessors at Madrid, that the propositions of the members of the Union for the amendment of the Convention should be sent in in advance of the next Conference, and the same was adopted.

9. RESOLUTIONS INTRODUCED BY FRANCE.

The delegates from France presented the following resolution :

That the Government of the United States of America attempt in every way to provide as soon as possible Federal legislation which will replace local legislation in reference to trade-marks, and will insure an easier and more efficient suppression of trade-mark infringements.

This resolution was evidently introduced in ignorance of the position already taken by the United States in prior Conferences. In replying, we referred to the minutes of the Conference at Paris, 1880 (p. 150), which reports a statement by Mr. Putnam, delegate from the United States, as follows :

The plenipotentiary of the United States of America having declared that by the terms of the Federal Constitution the right to legislate concerning trade-marks is, in a certain measure, reserved to each of the States of the American Union, it is apparent that the provisions of the convention will only be applicable within the limits of the constitutional powers of the high contracting parties.

This statement was incorporated into the protocol of that Conference.

We further said that the Federal law provides that owners of trade-marks used in commerce with foreign nations, provided such owners shall be domiciled in the United States or located in a foreign country which by treaty, convention, or law affords similar privileges to citizens of the United States, may obtain registration of such trade-marks.

Also, that it is the opinion of some lawyers in the United States that, under the clause of the Constitution giving the Congress the power to regulate commerce between the States, there might be added by law to those trade-marks which are now registered under the existing law the trade-marks used in commerce among the several States. But such a law relating, as it must, solely to marks not used in foreign commerce would not change the rights of aliens in the least.

That as to legal proceedings for the suppression of infringement aliens have all the rights of citizens.

Further, that so far as relates to the protection of marks from a point of view strictly interior, the Conference is not interested.

No vote was taken upon the resolution, it being apparent that the United States had acted in good faith. There was also an evident feeling that the resolution went too far and was directed to the interior policy of the United States, with which the Conference had no concern.

10. REQUIREMENTS OF GERMANY BEFORE ADHESION TO THE CONVENTION.

The three German delegates, Mr. Hauss, Geheimer Ober-Regierungsrath, Counsel Reporter in the Department of the Interior of the Empire; the Count d'Arco-Valley, Counsel of Legation, First Secretary of the Imperial Embassy at London; Mr. Robolski, Geheimer Regierungsrath, Member of the Imperial Patent Office, made known the

requirements of Germany for adhesion to the Convention to be an amendment extending the period of priority to twelve months, and an amendment extending the period after grant of the patent during which the same need not be worked to three years. They further made a demand for compulsory license, but did not insist thereon.

The German delegates took a most active part in all the discussions and proceedings of the Conference.

We annex the statements of the German delegates presented at the opening of the Conference as Appendix G.

11. ACCEPTANCE OF THE INVITATION OF THE UNITED STATES.

In accordance with our instructions, we invited the Conference to determine the United States as the next place of meeting. We are glad to report that the invitation was accepted.

We are, dear sir, very respectfully,

BELLAMY STORER.
FRANCIS FORBES.

HON. JOHN SHERMAN,
Secretary of State.

APPENDIX A.

FIRST FINAL PROTOCOL.

The International Conference of the Union for the Protection of Industrial Property convened at Brussels, December 1, 1897, submits to the Governments of the States of the Union the following project:

Additional act to the Convention of March 20, 1883, concluded between (enumeration of the contracting States).

The undersigned duly authorized by their respective Governments have by common consent and under reserve of ratification agreed as follows:

Article 3 of the Convention shall be as follows:

ART. 3. Are assimilated to the subjects or citizens of the contracting States, the subjects or citizens of States not forming part of the Union, who are domiciled or have effective and serious¹ industrial or commercial establishments upon the territory of one of the States of the Union.

Article 4 shall be as follows:

ART. 4. Anyone who shall have regularly deposited an application for a patent of invention of an industrial model or design of a trade or commercial mark in one of the contracting States shall enjoy for the purpose of making the deposit in the other States, and under reserve of the rights of third parties, a right of priority during the periods hereinafter determined.

In consequence, the deposit subsequently made in one of the other States of the Union before the expiration of these periods can not be invalidated by acts performed in the interval, especially by another deposit, by the publication of the invention or its working,² by the sale of copies of the design or model, by the employment of the mark.

The periods of priority above mentioned shall be six months for patents of invention and three months for designs or industrial models, as well as for trade or commercial marks. They shall be augmented by one month for countries beyond the seas.

¹ "Effective and serious" inserted by amendment.

² By a third party (*par un tiers*) omitted.

There is inserted in the Convention an article 4 *bis*, as follows:

ART. 4 *bis*. Patents applied for in the different contracting States by persons admitted to the benefit of the Convention under the terms of articles 2 and 3, shall be independent of the patents obtained for the same invention in the other States adhering or not to the Union.

This provision shall apply to patents existing at the time of its going into effect. The same rule applies in the case of adhesion of new States as to patents already existing either in the Union or in the new adhering State at the time of the adhesion.

There is added to article 9 two paragraphs, as follows:

In the States whose legislation does not admit of seizure on importation, such seizure may be replaced by the prohibition of importation.

The authorities shall not be required to effect seizure in case of goods in transit.

Article 10 shall be as follows:

ART. 10. The provisions of the preceding article shall be applicable to every product bearing falsely as indication of origin the name of a stated locality when this indication shall be joined to a fictitious commercial name or a name borrowed with fraudulent intention.

Is reputed interested party every producer,¹ manufacturer, or trader engaged in the production, the manufacture, or the sale of this product when established either in the locality falsely indicated as place of export, or in the region where said locality is situated.

Article 11 shall be as follows:

ART. 11. The high contracting parties shall accord conformably to the legislation of each country: a temporary protection to patentable inventions, to industrial designs or models, as well as to trade-marks, for the productions which may figure at official or officially recognized international expositions organized upon the territory of one of them.

Article 14 shall be as follows:

ART. 14. The present convention shall be submitted to periodical revision for the purpose of introducing improvements calculated to perfect the system of the Union.

With this object conferences shall take place successively in one of the contracting States between the delegates of said States.

Article 16 shall be as follows:

ART. 16. The States that have not taken part in the present Convention shall be admitted to adhere to the same upon their application.

This adhesion shall be notified through the diplomatic channel to the Government of the Swiss Confederation and by the latter to all the others.

It shall convey of full right, accession to all the clauses, and admission to all the advantages stipulated by the present Convention, and shall go into force a month after the sending of the notification given by the Swiss Government to the other Unionist States, unless a later date shall have been indicated by the adhering States.³

The present additional act shall have the same force and duration as the Convention of March 20, 1883.

It shall be ratified and the ratifications thereof shall be exchanged at Brussels in the form adopted for this Convention as soon as may be, and, at the latest, within a period of one year.

It shall go into effect three months after such exchange.

In witness whereof the undersigned have signed the present additional act.

Done at Brussels, the — of —, —.

¹ *Producer* (production), the production (la production); either * * * or in a region where said locality is situated, inserted by amendment.

² "Shall grant conformably to the legislation of each country" (accorderont conformément à la législation de chaque pays), substituted in place of "Agree to grant" (s'engage à accorder), and "organized upon the territory of one three" is added.

³ Last paragraph. And go into effect, etc., added.

The respective Governments are invited to sign the above project within six months; the signature and the exchange of ratifications shall take place in the manner designated in said additional act.

Done in one single copy at Brussels, December 14, 1897.

For Belgium:

A. NYSSENS.
L. CAPELLE.
GEORGES DE RO.
S. DUBOIS.

For Brazil:

F. VIEIRA MONTEIRO.

For Denmark:

H. HOLTEN NIELSEN.

For Spain:

EL MARQS. DE BERTEMATI.
EDUARDO TODA.

For the United States of America:

BELLAMY STORER.
FRANCIS FORBES.

For France:

MONTHOLON.
C. NICOLAS.
MICHEL PELLETIER.

For Great Britain:

CHARLES B. STUART WORTLEY.
H. G. BERGNE.
C. N. DALTON.

For Italy:

R. CANTAGALLI.
C. F. GABBA.
S. OTTOLENGHI.

For Norway:

CHR. HANSSON.

For the Netherlands:

SNYDER VAN WYSSSENKERKE.

For Portugal:

F. QUINTELLA DE SAMPAYO.
JAYME DE SEQUIER.

For Servia:

SPASSOIE RADOITCHITCH.

For Sweden:

HUGO E. G. HAMILTON.

For Switzerland:

ALPHONSE RIVIER.
L. R. DE SALIS.

For Tunis:

MONTHOLON.
ETIENNE BLADE.

UNION INTERNATIONALE POUR LA PROTECTION DE LA PROPRIÉTÉ INDUSTRIELLE.

PREMIER PROTOCOLE FINAL.

La Conférence Internationale de l'Union pour la protection de la propriété industrielle, convoquée à Bruxelles le 1^{er} décembre 1897, soumet aux Gouvernements des États de l'Union le projet dont la teneur suit:

Acte additionnel à la Convention du 20 mars 1883, conclu entre (énumération des États contractants).

Les soussignés, dûment autorisés par leurs Gouvernements respectifs, ont, d'un commun accord, et sous réserve de ratification, arrêté ce qui suit:

L'article 3 de la Convention aura la teneur suivante:

ART. 3. Sont assimilés aux sujets ou citoyens des États contractants les sujets ou citoyens des États ne faisant pas partie de l'Union, qui sont domiciliés ou ont des établissements industriels ou commerciaux effectifs et sérieux sur le territoire de l'un des États de l'Union.

L'article 4 aura la teneur suivante:

ART. 4. Celui qui aura régulièrement fait le dépôt d'une demande de brevet d'invention, d'un dessin ou modèle industriel, d'une marque de fabrique ou de commerce, dans l'un des États contractants, jouira, pour effectuer le dépôt dans les autres États, et sous réserve des droits des tiers, d'un droit de priorité pendant les délais déterminés ci-après.

En conséquence, le dépôt ultérieurement opéré dans l'un des autres États de l'Union, avant l'expiration de ces délais, ne pourra être invalidé par des faits accomplis dans l'intervalle, soit, notamment, par un autre dépôt, par la publication de l'invention ou son exploitation, par la mise en vente d'exemplaires du dessin ou du modèle, par l'emploi de la marque.

Les délais de priorité mentionnés ci-dessus seront de six mois pour les brevets d'invention, et de trois mois pour les dessins ou modèles industriels, ainsi que pour les marques de fabrique ou de commerce. Ils seront augmentés d'un mois pour les pays d'outre-mer.

Il est inséré dans la Convention un article 4 *bis* ainsi conçu:

ART. 4 *bis*. Les brevets demandés dans les différents États contractants par des personnes admises au bénéfice de la Convention aux termes des articles 2 et 3, seront indépendants des brevets obtenus pour la même invention dans les autres États adhérents ou non à l'Union.

Cette disposition s'appliquera aux brevets existants au moment de sa mise en vigueur.

Il en sera de même, en cas d'accession de nouveaux États, pour les brevets existant de part et d'autre au moment de l'accession.

Il est ajouté à l'article 9 deux alinéas ainsi conçus:

Dans les États dont la législation n'admet pas la saisie à l'importation, cette saisie pourra être remplacée par la prohibition d'importation.

Les autorités ne seront pas tenues d'effectuer la saisie en cas de transit.

L'article 10 aura la teneur suivante:

ART. 10. Les dispositions de l'article précédent seront applicables à tout produit portant faussement, comme indication de provenance, le nom d'une localité déterminée, lorsque cette indication sera jointe à un nom commercial fictif ou emprunté dans une intention frauduleuse.

Est réputé partie intéressée tout producteur, fabricant ou commerçant, engagé dans la production, la fabrication ou le commerce de ce produit, et établi soit dans la localité faussement indiquée comme lieu de provenance, soit dans la région où cette localité est située.

L'article 11 aura la teneur suivante:

ART. 11. Les Hautes Parties contractantes accorderont, conformément à la législation de chaque pays, une protection temporaire aux inventions brevetables, aux

dessins ou modèles industriels, ainsi qu'aux marques de fabrique ou de commerce, pour les produits qui figureont aux Expositions internationales officielles ou officiellement reconnues, organisées sur le territoire de l'une d'elles.

L'article 14 aura la teneur suivante:

ART. 14. La présente convention sera soumise à des révisions périodiques en vue d'y introduire les améliorations de nature à perfectionner le système de l'Union.

A cet effet, des conférences auront lieu successivement, dans l'un des États contractants, entre les délégués desdits États.

L' article 16 aura la teneur suivante:

ART. 16. Les États qui n'ont point pris part à la présente Convention seront admis à y adhérer sur leur demande.

Cette adhésion sera notifiée par la voie diplomatique au Gouvernement de la Confédération suisse, et par celui-ci à tous les autres.

Elle emportera, de plein droit, accession à toutes les clauses et admission à tous les avantages stipulés par la présente Convention, et produira ses effets un mois après l'envoi de la notification faite par le Gouvernement suisse aux autres États unionistes, à moins qu'une date postérieure n'ait été indiquée par État adhérent.

Le présent Acte additionnel aura même valeur et durée que la Convention du 20 mars 1883.

Il sera ratifié, et les ratifications en seront échangées à Bruxelles, dans la forme adoptée pour cette Convention, aussitôt que faire se pourra, et au plus tard dans le délai d'une année.

Il entrera en vigueur trois mois après cet échange.

En foi de quoi les soussignés ont signé le présent Acte additionnel.

Fait à Bruxelles, le — — —, —.

Les Gouvernements respectifs sont invités à signer le projet ci-dessus dans un délai de six mois; la signature et l'échange des ratifications auront lieu de la manière consignée dans ledit Acte additionnel.

Fait en un seul exemplaire à Bruxelles, le quatorze décembre 1897.

Pour la Belgique:

A. NYSENS.
L. CAPELLE.
GEORGES DE RO.
J. DUBOIS.

Pour le Brésil:

F. VIEIRA MONTEIRO.

Pour le Danemark:

H. HOLTEN NIELSEN.

Pour l'Espagne:

EL MARQ^e DE BERTEMATI.
EDUARDO TODA.

Pour les États-Unis d'Amérique:

BELLAMY STORER.
FRANCIS FORBES.

Pour la France:

MONTHOLON.
C. NICOLAS.
MICHEL PELLETER.

Pour la Grande-Bretagne:

CHARLES B. STUART WORTLEY.
H. G. BERGNE.
C. N. DALTON.

Pour l'Italie:

R. CANTAGALLI.
C. F. GABBA.
S. OTTOLENGHI.

Pour la Norvège:	CHR. HANSSON.
Pour les Pays-Bas:	SNYDER VAN WYSENKERKE.
Pour les Portugal:	F. QUINTELLA DE SAMPAYO. JAYME DE SÉQUIER.
Pour la Serbie:	SPASSOÏE RADOÏTCHITCH.
Pour la Suède:	HUGO E. G. HAMILTON.
Pour la Suisse:	ALPHONSE RIVIER. L. R. DE SALIS.
Pour la Tunisie:	MONTHOLON. ÉTIENNE BLADÉ.

APPENDIX B.

SECOND FINAL PROTOCOL.

The undersigned, representing States which have adhered to the Madrid agreement of April, 1891, concerning the international registration of trade-marks, assembled in conference at Brussels, December 1, 1897, submit to their respective Governments the following project:

Additional act to the agreement of April 14, 1891, concerning the international registration of trade-marks, concluded between (enumeration of contracting States).

The undersigned, duly authorized by their respective Governments, have by common consent and under reserve of ratification agreed as follows:

Article 2 of the agreement shall be as follows:

ART. 2. Are assimilated to the subjects or citizens of the contracting States, the subjects or citizens of States which have not adhered to the present agreement, who upon the territory of the restricted union constituted by the latter, fulfill the conditions of article 3 of the general convention.

Article 3 shall be as follows:

ART. 3. The International Bureau shall immediately register the marks deposited in accordance with article first. It shall give notice of this registration to the contracting States. The registered marks shall be published in a supplement to the Journal of the International Bureau by means of a cut furnished by the depositor.

If the depositor claim the color as a distinctive element of his mark he shall be required:

1. *To declare it, and to accompany his deposit by a description which shall make mention of the color.*

2. *To join to his application copies in color of the said mark, which shall be annexed in the notices given by the International Bureau. The number of these copies shall be fixed by the rules of procedure.*

NOTE.—Amendments and additions, both in words and sentences, are in italics.

In view of the publicity to be given to the registered marks in the different States, each Government shall receive gratuitously from the International Bureau such number of copies of said publication as it shall see fit to demand.

There is inserted in the agreement an article 4 *bis* as follows:

ART. 4 *bis*. Whenever a mark already deposited in one or more of the contracting States has been subsequently registered by the International Bureau in the name of

the same owner or of his assignee the international registration shall be considered as substituted in place of the prior national registrations without prejudice to the rights already acquired thereby.

Article 5 shall be as follows:

ART. 5. In the countries where their legislation so authorizes, the Governments to which the International Bureau shall give notice of the registration of a mark shall have power to declare that protection can not be given to such marks within their territory. Such objection shall not be made except under the conditions which, by virtue of the convention of 20th March, 1883, apply to a mark already deposited with the national registration.

They shall exercise this right within the period provided by their national law, and at the latest within a year from the notice provided by art. 3, indicating at the same time to the International Bureau their reasons for refusal.

The notice of the said declaration thus given to the International Bureau shall be transmitted by it without delay to the Government of the country of origin and to the owner of the mark. The interested party shall have the same means of redress as if the mark had been deposited directly by him in the country where the protection is refused.

There is inserted in the agreement an article 5 *bis* as follows:

ART. 5 *bis*. The International Bureau shall deliver to anyone who shall demand it, under payment of a fee fixed by the rules of procedure, a copy of the entries on the register relating to any deposited mark.

Article 8 shall be as follows:

ART. 8. The government of the country of origin shall fix at its discretion and receive for its own profit a fee which it shall collect from the owner of the mark for which international registration is demanded.

To such fee shall be added an international fee of 100 francs for the first mark and 50 francs for each of all other marks deposited at the same time by the same owner. The annual proceeds of these fees shall, under the supervision of the International Bureau, be distributed equally between the contracting States, after deduction of the common expenses necessary to the execution of this agreement.

There is inserted an article 9 *bis* as follows:

ART. 9 *bis*. When a mark entered in the international register shall be assigned to a person established in a contracting State other than the country of origin of the mark, notice of the assignment shall be given to the International Bureau by the government of said country of origin. The International Bureau shall register the assignment, and after having received the assent of the Government to which the new owner belongs shall give notice to the other governments and publish it in its journal.

The present provision does not have the effect of modifying the laws of the contracting States, which prohibit the assignment of the mark without the simultaneous conveyance of the industrial or commercial establishment whose products it distinguishes.

No assignment of a mark inscribed in the international register, made on account of a person not established in one of the contracting States, shall be registered.

ARTICLE II.

The closing protocol, signed at the same time as the agreement of April 14, is suppressed.

The present additional act shall have the same force and duration as the agreement to which it relates.

It shall be ratified, and the ratifications thereof shall be exchanged at Brussels in the form adopted by this agreement as soon as may be, and at the latest within the period of one year.

It shall go into effect three months after such exchange.

In witness whereof the undersigned have signed the present additional act.

Done at Brussels, the — of —, —.

The respective governments are invited to sign the above project within six months; the signature and the exchange of ratifications shall take place in the manner designated in said additional act.

RULES OF PROCEDURE.

Modifications submitted to the approval of the contracting governments.

Insert in the regulations an article 6 *bis* as follows:

ART. 6 *bis*. The fee provided by article 5 of the agreement for the copies or extracts from the register is fixed at 2 francs for each extract.

Modify article 7 as follows:

ART. 7. The changes taking place in the ownership of a mark, and which shall have been the object of the notice provided by articles 9 and 9 *bis* of the agreement, shall be entered in the register of the International Bureau. The latter shall give notice in its turn to the contracting governments and shall publish them in its journal, taking into account the special provisions of article 9 *bis* when the new owner is not established in the country of origin of the mark.

Modify the first paragraph of article 11 as follows:

ART. 11. The present rules shall remain in force as long as the agreement to which they relate.

Done in one single copy, at Brussels, December 14, 1897.

For Belgium:

A. NYSENS.
L. CAPELLE.
GEORGES DE RO.
J. DUBOIS.

For Brazil:

F. VIEIRA MONTEIRO.

For Spain:

EL MARQ. DE BERTEMATI.
EDUARDO TODA.

For France:

MONTHOLON.
C. NICOLAS.
MICHEL PELLETIER.

For Italy:

R. CANTAGALLI.
C. F. GABBA.
S. OTTOLENGHI.

For the Netherlands:

SNYDER VAN WISSENKERKE.

For Portugal:

F. QUINTELLA DE SAMPAYO.
JAYME DE SEGUIER.

For Switzerland:

ALPHONSE RIVIER.
L. R. DE SALIS.

For Tunis:

MONTHOLON.
ETIENNE BLADE.

UNION INTERNATIONALE POUR LA PROTECTION DE LA PROPRIÉTÉ INDUSTRIELLE.

DUEXIÈME PROTOCOLE FINAL.

Les soussignés, représentants des États ayant adhéré à l'Arrangement de Madrid du 14 avril 1891 concernant l'enregistrement international des marques de fabrique ou de commerce, réunis en Conférence à Bruxelles le 1^{er} décembre 1897, soumettent à leurs Gouvernements respectifs le projet dont la teneur suit:

Acte additionnel à l'Arrangement du 14 avril 1891 concernant l'enregistrement international des marques de fabrique ou de commerce conclu entre (Énumération des États contractants).

Les soussignés, dûment autorisés par leurs Gouvernements respectifs, ont, d'un commun accord, et sous réserve de ratification, arrêté ce qui suit:

ARTICLE PREMIER.

L'article 2 de l'Arrangement aura la teneur suivante:

ART. 2. Sont assimilés aux sujets ou citoyens des États contractants les sujets ou citoyens des États n'ayant pas adhéré au présent Arrangement qui, sur le territoire de l'Union restreinte constituée par ce dernier, satisfont aux conditions établies par l'article 3 de la Convention générale.

L'article 3 aura la teneur suivante:

ART. 3. Le Bureau international enregistrera immédiatement les marques déposées conformément à l'article 1^{er}. Il notifiera cet enregistrement aux États contractants. Les marques enregistrées seront publiées dans un supplément au journal du Bureau international au moyen d'un cliché fourni par le déposant.

Si le déposant revendique la couleur à titre d'élément distinctif de sa marque, il sera tenu:

1. De le déclarer, et d'accompagner son dépôt d'une description qui fera mention de la couleur;

2. De joindre à sa demande des exemplaires de ladite marque en couleur, qui seront annexés aux notifications faites par le Bureau international. Le nombre de ces exemplaires sera fixé par la Règlement d'exécution.

En vue de la publicité à donner, dans les États, aux marques enregistrées, chaque Administration recevra gratuitement du Bureau international le nombre d'exemplaires de la susdite publication qu'il lui plaira de demander.

Il est inséré dans l'Arrangement un article 4 *bis* ainsi conçu:

ART. 4 *bis*. Lorsqu'une marque, déjà déposée dans un ou plusieurs États contractants, a été postérieurement enregistrée par le Bureau international au nom du même titulaire ou de son ayant cause, l'enregistrement international sera considéré comme substitué aux enregistrements nationaux antérieurs, sans préjudice des droits acquis par le fait de ces derniers.

L'article 5 aura la teneur suivante:

ART. 5. Dans les pays où leur législation les y autorise, les Administrations auxquelles le Bureau international notifiera l'enregistrement d'une marque auront la faculté de déclarer que la protection ne peut être accordée à cette marque sur leur territoire. Un tel refus ne pourra être opposé que dans les conditions qui s'appliqueraient, en vertu de la Convention du 20 mars 1883, à une marque déposée à l'enregistrement national.

Elles devront exercer cette faculté dans le délai prévu par leur loi nationale, et au plus tard, dans l'année de la notification prévue par l'article 3, en indiquant au Bureau international leurs motifs de refus.

Ladite déclaration ainsi notifiée au Bureau international sera par lui transmise sans délai à l'Administration du pays d'origine et au propriétaire de la marque. L'intéressé aura les mêmes moyens de recours que si la marque avait été par lui directement déposée dans le pays où la protection est refusée.

Il est inséré dans l'Arrangement un article 5 *bis* ainsi conçu :

ART. 5 *bis*. Le Bureau international délivrera à toute personne qui en fera la demande, moyennant une taxe fixée par le Règlement, une copie des mentions inscrites dans le Registre relativement à une marque déterminée.

L'article 8 aura la teneur suivante :

ART. 8. L'Administration du pays d'origine fixera à son gré, et percevra à son profit, une taxe qu'elle réclamera du propriétaire de la marque dont l'enregistrement international est demandé. A cette taxe s'ajoutera un émolument international de 100 francs pour la première marque, et de 50 francs pour chacune des marques suivantes, déposées en même temps par le même propriétaire. Le produit annuel de cette taxe sera réparti par parts égales les États contractants par les soins du Bureau international, après déduction des frais communs nécessités par l'exécution de cet Arrangement.

Il est inséré un article 9 *bis* conçu comme suit :

ART. 9 *bis*. Lorsqu'une marque inscrite dans le registre international sera transmise à une personne établie dans un État contractant autre que le pays d'origine de la marque, la transmission sera notifiée au Bureau international par l'Administration de ce même pays d'origine. Le Bureau international enregistrera la transmission et, après avoir reçu l'assentiment de l'Administration à laquelle ressortit le nouveau titulaire il la notifiera aux autres Administrations et la publiera dans son journal.

La présente disposition n'a point pour effet de modifier les législations des États contractants que prohibent la transmission de la marque, sans la cession simultanée de l'établissement industriel ou commercial dont elle distingue les produits.

Nulle transmission de marque inscrite dans le registre international, faite au profit d'une personne non établie dans l'un des pays signataires, ne sera enregistrée.

ARTICLE 2.

Le Protocole de clôture signé en même temps que l'Arrangement du 14 avril 1891 est supprimé.

Le présent Acte additionnel aura même valeur et durée que l'Arrangement duquel il se rapporte.

Il sera ratifié, et les ratifications en seront échangées à Bruxelles, dans la forme adoptée pour cet Arrangement, aussitôt que faire se pourra, et au plus tard dans le délai d'une année.

Il entrera en vigueur trois mois après cet échange.

En foi de quoi les soussignés ont signé le présent Acte additionnel.

Fait à Bruxelles, le — — —, —.

Les Gouvernements respectifs sont invités à signer le projet ci-dessus dans un délai de six mois; la signature et l'échange des ratifications auront lieu de la manière consignée dans l'Acte additionnel.

RÈGLEMENT D'EXÉCUTION.

Modifications soumises à l'approbation des Administrations contractantes.

Insérer dans le Règlement un article 6 *bis* ainsi conçu :

ART. 6 *bis*. La taxe prévue par l'article 5 *bis* de l'Arrangement pour les copies ou extraits du registre est fixée à 2 francs par extrait.

Modifier l'article 7 en lui donnant la teneur suivante :

ART. 7. Les changements survenus dans la propriété d'une marque, et qui auront fait l'objet de la notification prévue par les articles 9 et 9 *bis* de l'Arrangement, seront consignés dans le registre du Bureau international. Ce dernier les notifiera à son tour aux Administrations contractantes et les publiera dans son journal, en tenant compte des dispositions spéciales de l'article 9 *bis*, quand le nouveau propriétaire ne sera pas établi dans le pays d'origine de la marque.

Modifier le premier alinéa de l'article 11 de la manière suivante :

ART. 11. Le présent Règlement restera en vigueur aussi longtemps que l'Arrangement auquel il se rapporte.

Fait en un seul exemplaire, à Bruxelles, le quatorze décembre, 1897

Pour la Belgique :

A. NYSENS.
L. CAPELLE.
GEORGES DE RO.
J. DUBOIS.

Pour le Brésil :

F. VIEIRA MONTEIRO.

Pour l'Espagne :

EL MARQ^S DE BERTEMATI.
EDUARDO TODA.

Pour la France :

MONTHOLON.
C. NICOLAS.
MICHEL PELLETIER.

Pour l'Italie :

R. CANTAGALLI.
C. F. GABBA.
S. OTTOLENGHI.

Pour les Pays-Bas :

SNYDER VAN WISSENKERKE.

Pour le Portugal :

F. QUINTELLA DE SAMPAYO.
JAYME DE SÉGUIER.

Pour la Suisse :

ALPHONSE RIVIER.
L. R. DE SALIS.

Pour la Tunisie :

MONTHOLON.
ÉTIENNE BLADÉ.

APPENDIX C.

SUPPLEMENTAL CONVENTION BETWEEN THE UNITED STATES, BELGIUM, BRAZIL, FRANCE, GREAT BRITAIN, GUATEMALA, ITALY, THE NETHERLANDS, NORWAY, PORTUGAL, SPAIN, SWEDEN, SWITZERLAND, AND TUNIS, AMENDATORY OF THE CONVENTION OF MARCH 20, 1883, FOR THE PROTECTION OF INDUSTRIAL PROPERTY.

[Concluded at Madrid, April 15, 1891. Ratification advised by the Senate March 2, 1892. Ratified by the President March 30, 1892. Ratifications exchanged June 15, 1892. Proclaimed June 22, 1892.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.—A PROCLAMATION.

Whereas protocol 3, amendatory of the Convention of March 20, 1883, for the Protection of Industrial Property was signed at Madrid on the 15th day of April, 1891, by the plenipotentiaries of the United States and other powers, a certified copy of which protocol 3, in the French language, is word for word as follows:

Third protocol.

Protocol concerning the dotation of the International Bureau of the Union for the Protection of Industrial Property between Belgium, Brazil, Spain, the United States of America, France, Great Britain, Guatemala, Italy, Norway, the Netherlands, Portugal, Sweden, Switzerland, and Tunis.

The undersigned plenipotentiaries of the Governments above named,

In view of the declaration adopted March 12, 1883, by the International Conference for the Protection of Industrial Property convened at Paris,

Have, with one accord and subject to ratification, concluded the following protocol:

ARTICLE 1.

The first paragraph of No. 6 of the final protocol annexed to the International Convention of March 20, 1883, for the protection of industrial property is annulled and replaced by the following provision:

"The expenses of the International Bureau instituted by Article 13 shall be supported by the contracting States in common. They can not in any event exceed the sum of sixty thousand francs per annum."

ARTICLE 2.

The present protocol shall be ratified, and the ratifications thereof shall be exchanged at Madrid within a period of six months at the latest.

It shall take effect one month after the exchange of ratifications, and shall have the same force and duration as the Convention of March 20, 1883, of which it shall be considered as forming an integral part.

In testimony whereof the plenipotentiaries of the States above named have signed the present protocol at Madrid, the fifteenth day of April, one thousand eight hundred and ninety-one.

Troisième protocole.

Protocole concernant la dotation du Bureau International de l'Union pour la Protection de la Propriété Industrielle conclu entre la Belgique, le Brésil, l'Espagne, les Etats-Unis d'Amérique, la France, la Grande Bretagne, la Guatemala, l'Italie, la Norvège, les Pays-Bas, le Portugal, la Suède, la Suisse, et la Tunisie.

Les soussignés Plénipotentiaires des Gouvernements ci-dessus énumérés,

Vu la Déclaration adoptée le 12 mars 1883 par la Conférence internationale pour la protection de la propriété industrielle réunie à Paris,

Ont, d'un commun accord, et sous réserve de ratification, arrêté le Protocole suivant:

ARTICLE PREMIER.

Le premier alinéa du chiffre 6 du Protocole de clôture annexé à la Convention internationale du 20 mars 1883, pour la protection de la propriété industrielle est abrogé et remplacé par la disposition suivante:

"Les dépenses du Bureau international institué par l'article 13 seront supportées en commun par les Etats contractants. Elles ne pourront, en aucun cas, dépasser la somme de soixante mille francs par année."

ARTICLE 2.

Le présent protocole sera ratifié, et les ratifications en seront échangées à Madrid dans le délai de six mois au plus tard.

Il entrera en vigueur un mois à partir de l'échange des ratifications, et aura la même force et durée que la Convention de 20 mars 1883 dont il sera considéré comme faisant partie intégrante.

En foi de quoi, les plénipotentiaires des Etats ci-dessus énumérés ont signé le présent protocole à Madrid le quinze avril mil huit cent quatre-vingt-onze.

For Belgium: Th. de Bonnder de Melsbroeck.

For Brazil: Luis F. d'Abren.

For Spain: S. Moret, Marquis do Aguilar, Enrique Calleja, Luis Mariano de Larra.

For the United States of America: E. Burd Grubb.

For France and Tunis: P. Cambon.

For Great Britain: Francis Clare Ford.

For Guatemala: J. Carrera.

For Italy: Maffei.

For Norway: Arild Huitfeldt.

For the Netherlands: Gericke.

For Portugal: Count de Casal Ribeiro.

For Sweden: Arild Huitfeldt.

For Switzerland: Ch. E. Lardet Morel.

Pour la Belgique: Th. de Bonnder de Melsbroeck.

Pour le Brésil: Luis F. d'Abren.

Pour l'Espagne: S. Moret, Marqués do Aguilar, Enrique Calleja, Luis Mariano de Larra.

Pour les Etats-Unis d'Amérique: E. Burd Grubb.

Pour la France et la Tunisie: P. Cambon.

Pour la Grande-Bretagne: Francis Clare Ford.

Pour le Guatemala: J. Carrera.

Pour l'Italie: Maffei.

Pour la Norvège: Arild Huitfeldt.

Pour les Pays-Bas: Gericke.

Pour le Portugal: Comte de Casal Ribeiro.

Pour la Suède: Arild Huitfeldt.

Pour la Suisse: Ch. E. Lardet Morel.

And whereas the said protocol 3 has been duly ratified by the signatory powers, and the ratifications thereof were exchanged at the city of Madrid on the 15th day of June, 1892;

Now, therefore, be it known that I, Benjamin Harrison, President of the United States of America, have caused the said protocol 3 to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 22d day of June, in the year of our Lord 1892 and of the Independence of the United States the one hundred and sixteenth.

[SEAL.]

BENJ. HARRISON.

By the President:

WILLIAM F. WHARTON,

Acting Secretary of State.

[NOTE.—Ratifications of protocol 4 were not exchanged. The protocol was referred to the next conference to be held at Brussels. See telegram from United States Chargé at Madrid, June 15, 1892.]

APPENDIX D.

AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF TRADE-MARKS.

The undersigned, plenipotentiaries of the States hereinafter enumerated, in view of article 15 of the International Convention of March 20, 1883, for the Protection of Industrial Property, have, with one accord and subject to ratification, concluded the following agreement:

ARTICLE 1. The subjects or citizens of each of the contracting States may secure in all of the other States the protection of their trade-marks accepted at the depository in the country of origin by means of the deposit of the said marks at the International Bureau at Berne made by the intervention of the Government of the said country of origin.

ARTICLE 2. Are assimilated to the subjects or citizens of the contracting States, the subjects or citizens of States which have not adhered to the present agreement, who fulfill the conditions of article 3 of the convention.

ARTICLE 3. The International Bureau shall immediately register the marks deposited in accordance with article first. It shall give notice of this registration to the contracting States. The registered marks shall be published in a supplement to the journal of the International Bureau either by means of a cut or of a description presented in the French language by the depositor.

In view of the publicity to be given to the marks so registered in the different States, each Government shall receive gratuitously from the International Bureau such number of copies of said publication as it shall see fit to demand.

ARTICLE 4. From the time of registration so made at the International Bureau the protection in each of the contracting States shall be the same as if the mark had been directly deposited therein.

ARTICLE 5. In the countries where their legislation so authorizes, the Governments to which the International Bureau shall give notice of the registration of a mark shall have power to declare that protection can not be given to such mark within their territory.

They shall exercise this right within a year from the notice provided for by article 3.

The notice of the said declaration thus given to the International Bureau shall be transmitted by it without delay to the Government of the country of origin and to the owner of the mark. The interested parties shall have the same means of redress as if the mark had been deposited directly by him in the country where the protection is refused.

ARTICLE 6. The protection resulting from the registration at the International Bureau shall continue for twenty years from the date of registration, but can not be invoked in favor of a mark which has ceased to enjoy legal protection in the country of origin.

ARTICLE 7. The registration can always be renewed in accordance with the provisions of articles 1 and 3.

Six months prior to the expiration of the term of protection, the International Bureau shall give an official notice to the government of the country of origin and to the owner of the mark.

ARTICLE 8. The government of the country of origin shall fix, at its discretion, and receive for its own profit a fee, which it shall collect from the owner of the mark for which international registration is demanded.

To such fee shall be added an international fee of 200 francs, the annual proceeds of which shall, under the supervision of the International Bureau, be distributed equally between the contracting States, after deduction of the common expenses necessary to the execution of this agreement.

The fee of 200 francs is a maximum which can be reduced at the time of the exchange of ratifications.

ARTICLE 9. The government of the country of origin shall notify the International Bureau of annulment, cancellation, abandonment, transfer, and other changes which occur in the right of ownership of the mark.

The International Bureau shall register these changes, shall notify the contracting Governments thereof, and shall immediately publish them in its journal.

ARTICLE 10. The governments shall regulate by common consent the details pertaining to the execution of the present agreement.

ARTICLE 11. The States of the Union for the protection of industrial property which have not taken part in the present agreement shall be

admitted to adhere thereto on their application and in the form prescribed by article 16 of the convention of March 20, 1883, for the protection of the industrial property.

As soon as the International Bureau shall be informed that a State has adhered to the present agreement it shall address to the government of the State, conformably to article 3, a collective notification of marks which at that time enjoy international protection.

This notice shall, of itself, secure to the said marks the benefit of the foregoing provisions in the territory of the adhering State, and shall initiate a period of one year, during which the interested Government can make the declaration provided for in article 5.

ARTICLE 12. The present agreement shall be ratified and the ratification thereof shall be exchanged at Madrid within a period of six months at the latest.

It shall take effect one month after the exchange of ratifications, and shall have the same force and duration as the convention of March 20, 1883.

In testimony whereof the plenipotentiaries of the States above named have signed the present agreement at Madrid, 14th April, 1891.

APPENDIX E.

AGREEMENT CONCERNING THE SUPPRESSION OF FALSE INDICATIONS OF ORIGIN OF GOODS.

The undersigned plenipotentiaries of the States hereinafter enumerated, in view of article 15 of the International Convention of the 20th March, 1883, for the Protection of Industrial Property, have, with one accord and subject to ratification, concluded the following agreement:

ARTICLE 1. All goods bearing a false indication of origin, in which one of the contracting States, or a place situated in one of them, shall be directly or indirectly indicated as country or as place of origin, shall be seized on importation into any of said States.

The seizure may also be effected either in the State where the false indication of origin has been applied, or in that into which the goods bearing false indication may have been imported.

If the law of any State does not permit seizure on importation, such seizure shall be replaced by prohibition of importation.

If the legislation of any State does not permit seizure in the interior, such seizure shall be replaced by the remedies assured in such case to natives by the law of such State.

ARTICLE 2. The seizure shall take place at the request either of the public prosecutor or of an interested party, individual, or society, in conformity with the domestic legislation of each State.

The authorities are not bound to effect the seizure of goods in transit.

ARTICLE 3. The present provisions are not intended to prevent the vendor from indicating his name or address upon goods coming from a country other than that where the sale takes place; but in such case the address or the name must be accompanied by a clear indication in legible characters of the country or place of manufacture or production.

ARTICLE 4. The tribunals of each country will decide what are the appellations which, by reason of their generic character, do not fall within the provisions of the present agreement, regional appellations of origin of products of the vine being, however, not comprised in the reserve provided for by this article.

ARTICLE 5. The States of the Union for the protection of industrial property, who have not adhered to the present agreement, shall be allowed to adhere on their demand in the manner prescribed by article 16 of the Convention of the 20th March, 1883, for the protection of industrial property.

ARTICLE 6. The present agreement shall be ratified, and the ratifications shall be exchanged at Madrid within a period of six months at the latest.

It shall take effect one month after the exchange of ratifications, and have the same force and duration as the Convention of the 20th March, 1883.

In witness whereof the plenipotentiaries of the States above named have signed the present agreement at Madrid, 14th April, 1891.

APPENDIX F.

PROPOSITION OF THE BRITISH DELEGATES.

[Article 6. Final Protocol No. 4.]

Article 6 to be maintained in its present form, with addition of the following provisions:

This ground of refusal is applicable to marks containing—

- (a) Public arms and decorations.
- (b) A word or words referring to the nature or quality of the goods, or a geographical word or words, unless the depositor state in his application that he lays no claim to any exclusive right to the use of these words or names.
- (c) The name or names of a person or company, unless such name be printed or woven in a distinctive shape, or consist of the written signature in original or facsimile of the person or company which makes the deposit.

Paragraph 4 of the final protocol to be suppressed.

STATEMENT OF REASONS.

The application of article 6 and of No. 4 of the final protocol has given rise in England to rather serious difficulties. The Conference may be reminded that the true principle of the Union, established in article 2 of the Convention, consists in this, that subjects of each of the contracting States are entitled to enjoy in the other States the same advantage as, and not superior advantages to, nationals.

Article 6 in its present form and the interpreting protocol appear to authorize the foreign depositor to claim protection for a mark for which registration would not be accorded to a national, because the local law does not allow of such a mark being considered as entitled to registration.

The Government of Her Britannic Majesty hesitates to give their assent to a provision in virtue of which a stranger might claim in England advantages superior to those enjoyed by nationals, and it seems difficult to them to make the stipulations of article 2 tally with those of article 6 and of No. 4 of the final protocol. The British delegates beg the Conference to give due weight to this difficulty.

The Convention, taken as a whole, appears to aim at securing a right of priority for obtaining registration, rather than an absolute right to such registration, and at laying down that the depositor ought to submit to local law in every country where he claims registration.

An instance may be quoted which will prove to the Conference the danger of allowing the registration of marks without any restriction. If, for instance, some one succeeded in getting the words "pig iron" registered as a trade-mark in one of the contracting States, would all the States of the Union be bound to grant protection to these words, even England and the United States, where no other term exists for designating the substance?

It can, moreover, be affirmed that the principle of the British proposal should be admitted by all the States as resulting from international law.

It would be contrary to the true interests of all unionists to grant to an individual the exclusive right of using terms bearing on the nature or quality of goods, geographical names, or names of individuals or societies. Such words or names should always remain public property; no one can wish a monopoly in them to be granted to a private person.

Difficulties have already arisen in regard to this matter in England, and the Government of Her Britannic Majesty considers the moment to have come when the real bearing of the provisions on this point should be defined.

Acting on this theory, the British delegates venture to submit to the favorable consideration of the Conference their proposal, which aims at inserting in the Convention a series of exceptions to the principle which appears to be involved in the present text of article 6 and of No. 4 of the final protocol. This proposal keeps in view the amendments proposed by the International Bureau and by the Administration of the Netherlands. Should it be accepted, No. 4 of the final protocol would cease to be of use and be suppressed.

APPENDIX G.

STATEMENT OF GERMAN DELEGATES.

The Imperial Government has submitted the preliminary draft of the International Bureau, which has been transmitted to it in view of the coming conference of Unionist Governments for the protection of industrial property, to a detailed examination.

German industry has always deeply approved the tendency of the Union to facilitate as much as possible the obtaining and working of patents, of industrial designs or models, and of trade-marks in other countries than the country of origin; and in removing by provisions stipulated in conventions the difficulties which result from the differences between national laws. The Imperial Government, on its part, has desired to give expression to the interest which it bears in the efforts of the Union by sending representatives to the conferences of Rome and Madrid. If the German Empire has not joined the Union up to this time, such abstention on its part is explained by certain peculiarities in the articles of the Union—peculiarities which appear irreconcilable with the interior legislation of Germany.

Besides some questions of less importance, the article concerning the manner of fixing the delay of priority (article 4 of the Convention) and that on the retention of the provision imposing the obligation of working (article 5) have especially tended to raise a doubt in the Imperial Government as to the possibility of its adhesion to the Union. If a solution of these two questions, guarding the interests of German

industry as much as that of foreign industry, can be found, the Imperial Government would be disposed to take into consideration the question of its adherence to the Union. It is with lively satisfaction that it has learned of the preliminary draft of the International Bureau, and has recognized an endeavor to resolve the difficulty worthy of attention.

As to the details of the preliminary draft, the Imperial Government allows itself to make the following observations:

1. According to the propositions concerning article 4, each of the States of the Union is to have the power to fix for itself, in applications for patents, the point of departure of the delay of priority at any moment during the time comprised between the date of the receipt of the application and that of the delivery of the patent. This proposition is evidently suggested by the desire to recognize the conditions in those States which deliver a patent only after a minute preliminary examination. But the restriction to which that proposition is subject would lead to serious difficulties from the German point of view, because it is not permitted in any case, no matter what may be the point of departure of the delay of priority, to move the efficacy of the right of priority back of the point of departure of the delay. Under these conditions Germany can not, as she has done in the special conventions signed with Austria, Hungary, Italy, and Switzerland, calculate the delay from the deliverance of the patent, since in that case the publication of the application before the deliverance of the patent would put in question the novelty of the invention in the other States of the Union.

Also, the Imperial Government can not admit the date of the publication of the application as the point of departure, since it is not always possible to prevent the secret of the application being divulged before the publication. The inventor himself is frequently interested in making his invention known to the public, or in commencing its industrial exploitation. Besides, in both cases the right of priority of the German inventor would not be preserved inasmuch as his application for a patent would not have priority over applications made in other countries of the Union in the interval between the application and its publication in Germany, or the deliverance of the German patent.

The propositions relating to article 4 can not therefore furnish the Imperial Government an acceptable basis of further negotiations unless the effect of the priority were to be moved back of the date of the first application. We are far from overlooking that the States which fix the point of departure at a date after that of the first application would obtain thereby an actual prolongation of the delay of priority. If such a prolongation does not seem acceptable, it only remains to seek another basis of understanding, while maintaining the same point of departure for all the countries.

In that case the Imperial Government can not lose sight of the circumstance that the preliminary examination to which patent applications are subjected in Germany requires considerable time, and that on an average more than six, and frequently more than seven, months are necessary, reckoning from the date of the application, until the inventor has acquired any certainty as to the result. Even admitting that the duration of the delay of priority be augmented by one month and extended to a period of seven months, the industrial who should make his application in the first place in Germany would hardly draw any material advantage from his right under the duration actually fixed by the provisions of the Convention of the Union.

It is only by prolonging the duration of priority to twelve months that the German industrial in general would draw a substantial, but always inferior, advantage to that which the priority furnishes to applicants from other countries where the industrial need not wait until a decision has been taken upon his application, but can from the beginning of the delay, if he so decide, present his invention in the other countries and make the necessary arrangements and preparations. Nevertheless, in any case we leave this to the Conference, hoping that it will take into particular consideration the question of the extension of the delay of priority to a duration of twelve months from the date of the first application.

2. The Imperial Government considers that in requiring the working of the patent under pain of forfeiture, obligations at the same time onerous and in part impossible to realize are imposed on the inventor who has demanded and obtained a patent in a certain number of States, and that without real profit to industry in general. To restrain the obligation of working is, then, in its eyes one of the ends to which the efforts for an international understanding should principally be directed. It is from this point of view that it appears to it desirable to establish an article by virtue of which the actual working in one of the contracting States shall remove in all the other contracting States any prejudice resulting from lack of working. The agreement presented by the International Bureau in the preliminary draft recognizes only partly this way of looking at the question; nevertheless it appears adapted to improve the international situation of patents. If this agreement obtains the adhesion of a sufficiently large number of the States of the Union, the Imperial Government considers that one of the principal reasons which has, up to this time, determined its abstention from the Union will be considerably modified.

The difficulties raised by some of the other parts of the Convention of the Union are of less importance and can be solved by reciprocal understanding.

GERMANY'S POSITION IN REFERENCE TO CONFERENCE OF 1880, WHICH DRAFTED THE CONVENTION OF 1883.

The minutes of the Conference of Paris, 1880, state (p. 148):

He (Mr. Kern) expressed the hope that the French Government, which has taken the initiative of the Union, should continue to press foreign governments in order to obtain new adhesions. That of Germany has not yet been obtained.

* * * * *

Mr. Kern recalled what is said upon this subject (adhesion) in the response of the minister of foreign affairs of the German Empire to the note of M. de Freycinet, minister of foreign affairs of France under date of December 16, 1879, and April 21, 1880. The Prince Hohenlohe thus expressed himself in his dispatch of July 12, 1880:

The commission charged with the examination of the proposition of the French Government, entirely aware of the importance of that question to Germany, can not admit the necessity of the German Government participating in a conference of which the result will be without doubt to profoundly modify the legislation of very recent enactment which regulates this matter over the whole Empire. Therefore, the Imperial Chancellerie, believing itself called upon to decline the invitation of your excellence, has requested me to announce it, etc.

Germany afterwards created a new patent law, April 7, 1891, and a new trade-mark law May 12, 1894.

APPENDIX H.

INVENTIONS SPECIALLY EXCLUDED FROM PROTECTION BY PATENT.

The following extracts from patent laws are copied, except Austria and Japan, from Carpmael's Patent Laws of the World, and its Supplement:

AUSTRIA.

[Law of January 11, 1897, translated from the "Tableau Comparatif," published by the Industrial Bureau.]

Are not patentable: (1) Inventions whose object or use is contrary to law, immoral, or hurtful to health, or which are evidently intended to deceive the public; (2) problems or scientific principles as such; (3) inventions relating to objects reserved to state monopoly; (4) inventions relating to (a) foods and objects of consumption (Genusmittel) for the human species; (b) medicines and disinfectants; (c) matters obtained by chemical processes in so far as the inventions mentioned under No. 4; a to c do not belong to a definite technical process.

BRAZIL.

[Law of October 14, 1892.]

SEC. 2. The following inventions can not be the subjects of patents: (1) Those contrary to law or morality; (2) those dangerous to public security; (3) those hurtful to public health; (4) those which do not offer practical industrial results.

DENMARK.

[Law of March 28, 1894.]

1. Patents are granted for inventions which can be industrially utilized or the carrying out of which can be made the object of industrial gain. The following are, however, not patentable: (1) Inventions which, as such, can not be considered to be of substantial importance; (2) inventions the exercise of which is contrary to law, morality, or public order; (3) inventions which at the date of patent applications have already been so described in some generally accessible print, or in this country been brought into use so openly that experts are thereby enabled to exercise them; and (4) inventions of means for healing and articles of food or refreshment, and of processes for the production of articles of food.

FRANCE.

[Law of July 5, 1844.]

ART. 3. The following are not patentable: (1) Pharmaceutical compositions or medicines of all kinds, the said objects remaining subject to the special laws and regulations for those matters, and especially to the decree of the 18th August, 1810, relating to secret remedies; (2) schemes and combinations relating to credit and finance.

GERMANY.

[Law of April 7, 1891.]

SEC. 1. Patents are granted for new inventions which allow of industrial application. Excepted are: (1) Inventions the application of which is contrary to the law or public morals; (2) inventions relating to articles of food, whether for nourishment or for enjoyment, and medicines, as also substances prepared by chemical processes in so far as the inventions do not relate to a definite process for the preparation thereof.

HUNGARY.

[Law of July 7, 1895.]

SEC. 2. A patent can not be allowed for an invention: (1) The working of which is contrary to a law or an ordinance or to public morals; (2) which relates to arms

for war purposes, explosives, ammunition, fortifications, or ships of war necessary for increasing the belligerent power of the Austro-Hungarian army, the navy, or the Hungarian militia, provided the minister of commerce enters an opposition against the grant of such patent within the time named in the second paragraph of sec. 34; (3) for scientific theorems or principles as such; (4) for articles serving for human or animal nourishment, for medicines, and articles produced by chemical processes; the process employed in making such articles can, however, be patented.

ITALY.

[Law of January 31, 1814.]

ART. 6. The following are not patentable: (1) Inventions or discoveries relating to trades which are contrary to law, morals, or public safety; (2) inventions or discoveries not relating to the manufacture of material objects; (3) inventions or discoveries of a mere theoretical nature; (4) all kinds of medicines.

JAPAN.

[Patent regulations promulgated by imperial ordinance No. 84. (December 18, 1888.) Translation of British legation, Tokio.]

ART. 2. The following are not patentable: (1) Articles of food, drink, or fashion; (2) medicines, or methods of compounding them; (3) articles which have been in public use before the application for a patent.

MEXICO.

[Law of June 7, 1890.]

ART. 4. The following can not be patented: (1) Inventions or improvements of which the working is contrary to the prohibitive law or to public safety; (2) scientific principles or discoveries which are merely speculative and can not be reduced to a machine, an apparatus, an instrument, a process, or a mechanical or chemical operation of a practical, industrial character.

NORWAY.

[Law of June 16, 1885.]

SEC. 1. Patents shall be granted for new inventions which may be beneficial to industry. The following are excepted: (a) Inventions the use of which would be contrary to the law, morality, or public order; (b) inventions the object of which are articles of food, nourishment, or medicine; but a patent may be granted for a process or apparatus specially designed for manufacturing such articles.

PORTUGAL.

[Declaration of December 15, 1894.]

ART. 10. Patents granted for chemical industries shall refer only to processes and not to the products themselves, which might be prepared by other means.

ART. 11. Pharmaceutical preparations and remedies intended for human use or for animals can not be the subjects of patents or inventions, but only the processes for the manufacture of such preparations or remedies.

RUSSIA.

[Law of May 20-June 1, 1896.]

ART. 4. Patents can not be granted for inventions and improvements: (a) Which consist of scientific discoveries and abstract theories; (b) which are contrary to public order, morals, and decency; (c) which, prior to the date when the application for the patent was lodged, have been patented in Russia or have been used there without patent, or which have been described in printed books or journals in sufficient detail to enable them to be reproduced; (d) which are known abroad without patent or which are patented there in the name of a person other than the applicant, except in the case in which the invention has been assigned to the latter; (e) which do not involve any sufficiently inventive novelty, but only insignificant modifications of inventions and improvements already known.

Further, no patent is granted for chemical, nutritious, and gustatory products, for medical compounds, or for processes and apparatus for the manufacture of the latter.

SPAIN.

[Law of July 30, 1878.]

ART. 9. The following shall not be the objects of patents: (1) The result or product of the machines, apparatus, instruments, processes, or operations mentioned in the first paragraph of article 3, unless they are contained in the second paragraph of the same article; (2) the use of natural products; (3) scientific principles or discoveries, so far as they are of a mere speculative nature, and are not likely to be applicable to machinery, apparatus, instruments, processes, or mechanical or chemical operations of a practical industrial nature; (4) pharmaceutical or medical preparations of all sorts; (5) schemes or combinations of credit or finance.

SWITZERLAND

[Law of 1888.]

ART. 1. The Swiss Confederation grants in the form of patents of invention to the inventors of new inventions applicable to industry and represented by models, or to their assigns, the rights specified in the present law. (Chemical products are not included.)

SWEDEN.

[Law of May 16, 1884.]

SEC. 2. Patents shall not be granted for inventions the working of which would be contrary to law or morals. With regard to inventions relating to provisions or medicines, patents shall not be granted for the commodity itself, only for special methods for its manufacture.

TUNIS.

[Law of December 26, 1888.]

ART. 3. The following shall not be patentable: Schemes and combinations relating to credit or finance and inventions the practice of which would be contrary to law and morality. If the invention relates to foods or medicines, the patent shall not be granted for the product itself, but only for special processes relating to its manufacture.

APPENDIX I.

LAWS OF SOME OTHER COUNTRIES IN REGARD TO COMPULSORY WORKING AND LICENSE.

AUSTRIA

The Austrian patent law of January 15, 1897, does not provide for working, but for the expropriation of patents when the interest of the army or public safety or any other urgent interest of State requires that the invention be employed wholly or in part by the civil or military administration, or that the invention be abandoned to public use, or payment of an indemnity, to be determined by a judgment of the provincial administration at Vienna. (Article 15.)

License is provided for in article 21 as follows:

The proprietor of a patent for an invention which can not be put in practice without the use of a prior patented invention has the right, when three years have run from the publication in the Patent-Blatt of the delivery of the patent, to demand from the proprietor of such invention the grant of a license to use it when the later invention is of a notable industrial importance.

The license granted gives to the proprietor of the prior patent the right to demand on his part a license from the proprietor of the later patent which authorizes him to use the later invention, admitting always that the said invention is found in effective connection with the prior invention. * * *

BELGIUM.

[Law of May 24, 1854.]

Article 23, in regard to working of patents, is as follows:

"The proprietor of a patent must work, or cause to be worked, in Belgium the patented article within a year from the date of its having been worked or used in a foreign country.

"The Government may, however, by an explanatory decree, inserted in the 'Moniteur' before the expiration of this term, grant a prolongation of one year at most.

"At the expiration of the first year, or of the delay which shall have been granted, the patent shall be annulled by a royal decree."

"Annulment shall also be pronounced when the patented article made use of in a foreign country shall have ceased to be worked in Belgium during one year, unless the possessor of the patent shall be able to justify the motives of his inaction." (4 O. G., p. 267.)

DENMARK.

[Law of April 13, 1894.]

Section 23, so far as it relates to working, is as follows:

"A patent becomes void: * * * (4) When the patentee has not practiced his invention within three years after the granting of the patent in this country, and later in more than one year has omitted to do so.

"These delays may be extended by making application in good time to the commission, when it is made evident that circumstances which can not be charged against the patentee have prevented the practice. The commission should also exempt the patentee from manufacturing the patented article when it is proven that the expenditures would not conform to the consumption in the country on the conditions that the patentee makes provisions to have the article for sale here." (68 O. G., p. 282.)

FRANCE.

[Law of July 5, 1844.]

ART. 32. The following shall be deprived of all their rights: * * * "(2) The patentee who has not worked his discovery or invention in France within the term of two years from the date of the signature of his patent, or who has ceased to work it during two consecutive years, unless in the one case or the other he justifies himself as to the causes of his inaction. (3) The patentee who has introduced into France articles manufactured abroad and similar to those which are protected by his patent. *Nevertheless the minister of agriculture, commerce, and public works may authorize the introduction—*

"1. *Of models of machines.*

"2. *Of articles made abroad intended for public exhibitions or for trials made with the consent of the Government.*" (Carpmael's Patent Laws of the World, 2d ed., p. 178; see also 2 O. G., p. 567.)

(The words in italics were substituted by the law of 31st May, 1856.)

GERMANY.

[Law of April 7, 1891, in regard to working and compulsory license.]

ART. 11. The patent can be worked at the end of three years from date of the official publication of the grant.

(1) If the owner of the patent neglects to put the invention into practice within the realm to an adequate extent, or at any rate to do everything that is necessary to insure such carrying out of the invention.

(2) If it appears to be in the interest of the community that license to others for the use of the invention should be granted but the owner of the patent declines to grant such license for reasonable compensation and adequate security. (Carpmael's Patent Laws of the World, Supplement.)

GREAT BRITAIN.

[Patents, designs, and trade-marks act, 1883 to 1888, in regard to compulsory license.]

22. If, on the petition of any person interested, it is proved to the board of trade that by reason of the default of a patentee to grant licenses on reasonable terms—

(a) The patent is not being worked in the United Kingdom; or

(b) The reasonable requirements of the public with respect to the invention can not be applied; or

(c) Any person is prevented from working or using to the best advantage an invention of which he is possessed, the board of trade may order the patentee to grant licenses on such terms as to the amount of royalties, security for payment, or otherwise, as the board, having regard to the nature of the invention and the circumstances of the case, may deem just, and any such order may be enforced by mandamus.

HUNGARY.

The Hungarian law of July 7, 1895, permits a revocation or notice to the owner, if he

has neglected to work or use his invention within the countries of the Hungarian Crown in substance and to an adequate extent, or if he has unjustifiedly interrupted such working or use by suspending, or if he has not at least done according to his own and the country's circumstances and conditions all that is necessary for securing and continuing such working.

NORWAY.

[Law of January 1, 1886, section 27, in regard to working.]

A patent shall, by judgment, be made void if the patentee shall not have worked the patent within the termination of three years from the date of the patent, either himself or through others in the Kingdom, or have offered the patented object for sale; also, if after that period the working of the offering for sale has been discontinued during one year. If this be caused by a casual incident, the last-mentioned period can be increased by the patent commission on application. In particular cases the patent commission shall have power, after representation, to make exceptionally distinct provision for what is required for the working or arrangement for sale within the Kingdom. (33 O. G., p. 501.)

PORTUGAL.

[Decree of December 15, 1894, article 39, in regard to working.]

He who within two years from the date of the patent shall not have put his invention into practice, either himself or by his representative or assignee fabricating in Portugal the manufactured articles, or products to which the said invention relates, or shall cease to so manufacture for two successive years unless he can prove a legitimate impediment, shall lose the said privilege. (Carpmael's Patent Laws of the World, Supplement.)

RUSSIA.

[Decree of May 20, 1896, in regard to working.]

ART. 23. The delivery of a patent does not free the beneficiary from the obligation of conforming, as concerns the setting in operation of his invention or improvement, to the laws and regulations existing, as well as those that may be promulgated in future.

ART. 24. The beneficiary of a patent is required within a period of five years, to date from the delivery of the patent (art. 26), to apply the invention or improvement in Russia and to furnish in reference to this the direction of commerce and manufactures with an affidavit emanating from the authority designated by the minister of finances. (79 O. G., p. 2202.)

SPAIN.

[Law of July 30, 1879, in regard to working.]

SEC. VII, par. 38. Owners of patents or certificates of addition shall be required to prove before the director of the conservatory of arts within two years of the date of the patent or the certificate of addition that they have established a new industry on Spanish territory.

The term of two years within which working has to be proved can only be prolonged by a law on equitable ground, and only for a term not exceeding six months.

(26 O. G., p. 110.)

APPENDIX J.

PARAGRAPH 1 OF ARTICLE 6 OF THE CONVENTION, ITS ORIGIN AND HISTORY.

The report of the Conference of 1880 shows article 6 to have been adopted after the following proceedings:

M. Jagerschmidt proposed a draft convention containing the following article (p. 27):

ART. 7. Le dépôt d'une marque quelconque de fabrique ou de commerce sera admis, dans tous les États de l'Union, aux risques et périls du déposant, quelle que soit la nature du produit revêtu de la marque.

(The registration of any trade-mark shall be allowed in all States of the Union at the risk and peril of the registrant, whatever be the nature of the product provided with the mark.)

When this article was reached as stated in the minutes (p. 89)—

On the request of Mr. Demeur, Mr. Jagerschmidt stated the meaning of the article. He explained that in certain countries when a manufacturer or merchant appears to deposit a mark for pharmaceutical objects, for example, its registration is refused, because the product has not been approved by the council of hygiene and can not be put on sale. Now, the mark is absolutely independent of the product, and it is of importance that its proprietor should be able to register it in order to guarantee his rights until the time when the product, forbidden to-day, shall be finally allowed.

The Conference then adjourned. On the next day the minutes say (p. 97):

He (the president) read article 7, which is as follows: "Dans tous les États de l'Union, le dépôt d'une marque quelconque de fabrique ou de commerce sera admis, aux risques et périls du déposant, quelle que soit la nature du produit sur lequel la marque doit être apposée."

(In all the States of the Union the registration of a trade-mark shall be allowed at the risk and peril of the registrant, whatever be the nature of the product upon which the mark is to be applied.)

The article is put to vote and adopted.

The draft convention having been gone over, article by article, a new text was prepared with newly numbered articles.

Article 5 of the new draft contained four paragraphs, the first of which corresponds in position to the first paragraph of the existing article 6. It is as follows:

Toute marque de fabrique ou de commerce valablement déposée dans le pays d'origine sera admise telle quelle au dépôt dans tous les autres États de l'Union (p. 133).

(Every trade-mark validly registered in the country of origin shall be admitted, such as it is, to registration in all the other States of the Union.)

The minutes say:

Mr. Jagerschmidt remarked that the text of the first paragraph is that which was adopted by the congress of 1878 (the congress at the Paris Exposition).

The president observed that the expression validly (valablement) may be inconvenient. The deposit (registration) is simply a declaration, therefore it may be regular without being valid. It would be better to adopt the word regularly (régulièrement).

* * * * *

The president said that before all an understanding was necessary. Does the word valid (valable) mean that the property is definitely acquired by the depositor?

* * * * *

Mr. Jagerschmidt sought to enlighten the discussion by reproducing an example cited before the committee of the conference. The question was first raised

between France and Russia. The Russian law protects marks written in Russian characters only; no French mark could be admitted to registration in that country. After an exchange of correspondence between the two Governments it was decided that the French mark regularly registered in France should be admitted, such as it is (telles quelles), and protected in Russia, although drawn up in French characters.

Thus, that which it is intended to express by article 5 is, that the mark shall be admitted to registration in the country of importation if it is regular in the country of origin; but an obligation on the tribunals to recognize and sustain the law of the country of origin as to validity does not result therefrom; they are only required to judge that the deposit has been regularly made. The article can, therefore, be adopted with the words regularly registered, or even by simply saying registered.

Mr. Demeur (Belgium) said that except in countries having a preliminary examination the registration by itself does not prove the right of the registrant even in the country of origin. A judicial examination upon the validity of the mark, which examination should be judged according to the legislation of the country of origin, can therefore arise in the country where the mark shall be imported. He preferred to return, with the exception of the omission of the words designs and models, to the original text of the first paragraph of article 5 adopted at the first reading.

The president stated the three propositions (p. 141).

1. That of Mr. Demeur, which is the old text of article 5.
2. The text proposed by the Chevalier Villeneuve, delegate from Brazil, and adopted by the committee.
3. The modification accepted by Mr. Indelli, i. e., the words regularly registered with the addition of the words admitted and protected.

After the recitation of considerable discussion the minutes say:

The text of the first paragraph of article 5 of the committee, with the word "regularly," and the addition, and protected, is put to vote, and adopted by the majority (p. 142).

The final text is as follows (p. 163):

Toute marque de fabrique ou de commerce régulièrement déposée dans le pays d'origine sera admise au dépôt et protégée telle quelle tous les autres pays de l'Union.

This is translated in Treaties and Conventions between the United States and other powers, 1776 to 1887 (p. 1170), as follows:

Every trade or commercial mark regularly deposited in the country of origin shall be admitted to deposit and so protected in all the other countries of the Union.

The translation published by Great Britain is as follows (see Kerley's Law of Trade-Marks, p. 659):

Every trade-mark duly registered in the country of origin shall be admitted for registration, and protected in the form originally registered in all the other countries of the Union.

PROPOSITIONS OF THE UNITED STATES.

Article 2 of the Convention, as it now stands, gives the right to the subjects or citizens of each of the contracting States to secure the same protection, so far as concerns patents for inventions, trade or commercial marks, and commercial names, in all the other States of the Union that the respective laws thereof now, or may hereafter, accord the subjects or citizens, not only as regards the extent or duration of protection, but also as regards the fees for the issuance of the patent and for continuing the protection given by the patent in force during the period named therein, and also as regards the inventions which may be protected by patent.

In the United States the fees for the grant of a patent for an invention are but \$35, of which \$15 is required upon filing the application and \$20 prior to the issuance of the patent. The patent is granted for seventeen years, except in certain cases, and it continues in force for the full term for which it is granted without the payment of further fees.

In certain of the States of the Union, not only are fees required upon deposit of the application and issuance of the patent, but further fees in the form of annual taxes are required for the continuance of the protection given by the patent as issued, the patent lapsing if these taxes are not paid. The aggregate amount of these fees in some of the States of the Union is many times the fees required by the United States. For instance, in Great Britain, as stated in the "Tableau Comparatif," published in a recent number of "La-Propriété Industrielle," the fee payable on filing the complete specification of £4 sterling (say \$20). This pays for the continuance in force of the patent for four years. For the fifth year a tax of £5 (say \$25) is required; for the sixth year a tax of £6 (say \$30), and so on, increasing £1 each year. The aggregate amount of the fees for a patent of fourteen years is thus £99, or nearly \$500.

In France annual taxes of 100 francs (say \$25) are required, aggregating for a fifteen-year patent 1,500 francs (say \$300).

In Austria, under the law of January 11, 1897, the fee payable on the filing of the application is 10 florins (say \$4) and the annual taxes for a fifteen-year patent aggregate over 1,900 florins (say \$800).

It does not seem just that a subject or citizen of a foreign State should secure from the United States protection for his invention, trade or commercial mark for a less sum than is required of citizens of the United States for like protection by the State of which he is a subject or citizen, and it is believed that the Convention should not restrict the United States from requiring, if it shall seem best to do so, that subjects or citizens of other States should pay for the grant and continuance of protection the same fees which are required for like protection by other States from citizens of the United States.

Further, it does not seem just that a greater protection to inventions than that which is extended by the State of which the inventor is a subject or citizen, or in which he is domiciled at the time of making his invention should be extended by the United States. That, for instance, a subject or citizen of Austria (not yet, it is true, one of the contracting States) should be entitled to protection in the United States for the product of a chemical process, while in his own State he is entitled only to protection for a particular process for its manufacture and is not entitled to protection for the product, does not seem just, particularly as a citizen of the United States who has invented a product of a chemical process, for which he is entitled to protection in the United States, is not entitled to such protection in Austria as is now afforded the Austrian inventor in the United States.

So, too, with reference to Switzerland. The Swiss patent laws do not recognize as entitled to protection either a chemical process or the product of such process unless it is susceptible of being represented by a model, while the citizen of Switzerland is entitled to protection in the United States for chemical processes and products of chemical processes, as well as many other inventions which can not be represented by models.

Any State of the Union should be entitled to refuse, at its option, to subjects or citizens of another State the protection which is refused by that other State to its subjects or citizens.

For these reasons the United States Government proposes to amend article 2 by adding the following paragraphs:

Provided, That a subject or citizen of any one of the contracting States applying for a patent for invention, trade or commercial mark, or commercial name in another of the contracting States may, at the option of the latter State, be required to pay for the issuance and continuance in force of the patent applied for fees equal in amount to the fees required of a subject or citizen of the State in which the patent is applied

for, for the issuance and continuance in force of a patent for invention, trade or commercial mark, or commercial name, in the State of which the applicant is a subject or citizen.

Provided further, That an invention not the subject of a patent in the country of origin may, at the option of another State of the Union, be refused protection in that State.

Country of origin shall be considered the country of which the inventor is a subject or citizen, or in which he is domiciled at the time of the first deposit of an application for an invention.

Article 4 of the Convention is not suited to the wants of American inventors.

The amendment of section 4887 of the Revised Statutes of the United States, approved March 3, 1897, which will take effect January 1, 1898, will eliminate from our law the feature of the dependence of the United States patent on prior patents for the same invention previously taken in foreign countries. This amendment, while removing one reason for the proposition of the United States at Madrid that the period of delay should begin at the date of the issue of the United States patent, namely, that the grant of a prior foreign patent would limit the latter to the term of the former, does not obviate another difficulty which springs from our system of preliminary examination.

In our system the papers deposited with the application for a patent, and forming part thereof, are: 1. An application therefor in writing to the Commissioner of Patents; 2. "A written description of the invention or discovery, and of the manner and process of making, constructing, compounding, and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which it appertains, or with which it is most nearly connected, to make, construct, compound, and use the same; and in case of a machine, an explanation of the principle thereof, and the best mode in which he (the inventor) has contemplated applying that principle so as to distinguish it from other inventions, and in which he (the inventor) shall particularly point out and distinctly claim the part, improvement, or combination which he claims as his invention or discovery" (Revised Statutes, section 4888). 3. Drawings "when the nature of the case admits of drawings" (Revised Statutes, section 4889).

Specifications and drawings are submitted to the examination of skilled persons in the Patent Office, called examiners, who often find that the inventor has improperly described or misapprehended his invention and has claimed more than he had a right to claim as new. If it is found that the invention has been known or used by others in the United States, or has been patented or described in any printed publication in any country before his invention, the application is refused and no patent thereon issued. If, however, the claims of the application are merely broader than the invention and include therein matter which is shown by the prior state of the art to be old, then the applicant may amend his specification and claims so as to limit them to his actual invention, and this being done the patent is issued upon the amended specification and claims. Such amendments are always restrictive in their nature, and the applicant is never permitted to broaden his claim to cover an invention not within the description contained in the application as filed. It is found from the records of the Patent Office that of the applications for patents filed since the year 1880, nearly one-third were rejected for want of patentable novelty, the remaining two-thirds were found patentable, and, in all but those in which the final fee was not paid within the time required by law, patents were issued.

By amendment of the specification and claims forming a part of the application the inventor is enabled to separate the new from the old and to claim what he has in fact invented. It is this amended application which should be the subject of refiling in the different States of the Union under article 4. But as in certain cases the examination may not be completed for a considerable period of time, and the inventor may be desirous of immediately exploiting his invention in other countries of the Union or of avoiding the risk of intermediate publication or other acts which would vitiate his patent, he should be allowed to deposit his application in the several States of the Union, with a description of his invention as filed in the country employing the preliminary examination, and afterwards to amend the same so as to make it conform to the patent issued on the first application.

In the case of an application filed in another country and afterwards in a country employing the preliminary examination under claim of priority, then the specification and claims there allowed should be taken as equivalent to the prior application for the purposes of article 4.

The United States Government therefore proposes to amend article 4 by adding the following paragraph:

The application for a patent of invention of an industrial model or design, or a trade-mark above mentioned, may be amended in the part describing or claiming the invention, model, or design, in conformity with the description and claim allowed and forming part of the patent issued in countries requiring a preliminary examination; but the description and claim shall not be construed to extend, in any State of the Union, greater protection to the invention than in the country of origin.

FIFTY-SIXTH CONGRESS, FIRST SESSION.

January 17, 1900.

Mr. Davis made the following report:

The Committee on Foreign Relations, to whom was referred the treaty between the United States and Peru, for the extradition of criminals, fugitives from justice, signed at Lima, November 28, 1899, beg leave to report the same to the Senate with the recommendation that it be advised and consented to with the following amendment:

Article II, section 6, after the word "larceny," insert the words *Provided, That the value of the property, or the amount of money, so embezzled or stolen is not less than \$200 or 420 soles.*

March 16, 1900.

[Senate Report No. 225.]

Mr. Davis, from the Committee on Foreign Relations, presented the following documents relating to the reciprocity convention with France:

Message from the President of the United States, transmitting a convention, signed at Washington July 24, 1899, between the United States and France, under authority of "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897.

To the Senate:

I transmit herewith, with a view to receiving the advice and consent of the Senate to its ratification, a convention signed at Washington, on July 24, 1899, by the respective plenipotentiaries of the United States and France, under the authority conferred by section 4 of the act of Congress entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897.

WILLIAM MCKINLEY.

EXECUTIVE MANSION,
Washington, December 6, 1899.

The PRESIDENT:

The undersigned, Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to its ratification, a convention, signed at Washington on July 24, 1899, by the respective plenipotentiaries

of the United States and France, under the authority conferred by section 4 of the act of Congress entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897.

Respectfully submitted.

JOHN HAY.

DEPARTMENT OF STATE,
Washington, December 5, 1899.

1 The United States of America and the French Republic ani-
2 mated by a desire to facilitate and increase the commercial inter-
3 course between the two countries, have agreed to conclude a recip-
4 rocal Convention for that purpose, and have appointed their
5 respective Plenipotentiaries therefor, namely:—

6 The President of the United States of America, Honorable
7 John A. Kasson, Special Commissioner Plenipotentiary, etc. and

8 The President of the French Republic, His Excellency Jules
9 Cambon, Ambassador Extraordinary and Plenipotentiary, Com-
10 mander of the Legion of Honor, etc. etc. who, after having com-
11 municated to each other their respective full powers in good and
12 due form, have agreed upon the following articles:

13 ARTICLE I.

14 It is agreed on the part of France that all articles of merchan-
15 dise being the product of the soil or industry of the United States
16 of America exported to France or Algeria (whether shipped
17 directly to a French or Algerian Port or arriving by way of an
18 intermediate port) shall be admitted into France and Algeria
19 upon payment only of the minimum rates of duty imposed on the
20 like articles of any other origin; and no port or other charges of
21 any kind shall be imposed upon such merchandise prior to enter-
22 ing into consumption unless they are such as are equally applied
23 to importations from all foreign countries; and no prohibition or
24 restriction of the importation of any of the products of the United
25 States shall be made except such as shall equally apply to the
26 like products in the like condition arriving from any other country.
27 The right to provide sanitary measures against the introduction of
28 pests or of infectious or contagious diseases is reserved.

29 The following articles of merchandise are excepted from the

provisions of this Article respecting the minimum rates of duty,
namely:

French Tariff No.

- 1. Horses.
- 37. Butter.
- 89ter. Lucerne and clover seed.
- 164. Fodder.
- 205. Cast iron.
- 476. Skins and hides prepared.
- 478 to 482. Boots and shoes, and parts of same.
- 488. Belts and cords and other leather articles manufactured for
machinery.
- 524. Dynamos.
- 525. Machine-tools.
- 536. Dynamo conductors, and parts.
- 536bis. Arc lamps known as regulators.
- 91. Sugar.
- 163. Chicory roots, green or dried.
- 34. Eggs.
- 36. Cheese.
- 38. Honey.
- 347. Porcelain.
- 462. Cardboard, rough in sheets.

52

ARTICLE II.

Reciprocally, it is agreed on the part of the United States that
the articles of merchandise the product of the soil or industry of
France or Algeria designated and described in the following
Schedule (whether shipped directly to a United States port or
arriving by way of an intermediate port) shall be admitted into
the United States on payment only of the reduced duties as
declared and set forth in said Schedule; and no port or other
charges of any kind shall be imposed upon such merchandise prior
to its entering into consumption except such as are equally applied
to importations from all foreign countries; and no prohibition or
restriction of the importation of any of the products of France or
Algeria shall be made except such as shall equally apply to the
like products in the like condition arriving from any other country.
The right to provide sanitary measures against the introduction of
pests or of infectious or contagious diseases is reserved

68

SCHEDULE.

69 Of articles the product of the soil or industry of France and
70 Algeria on which reduction of duties is conceded by the United
71 States together with percentage of concession upon the present
72 duties thereon:

Articles.	As described in U. S. Tariff Act Nos.	Rate of reduc- tion.
		<i>Per cent.</i>
Silk goods	384 to 391 inclusive ..	5
Cotton goods:		
Hosiery and knit goods	317, 318, 319	20
Suspenders, passementerie	320	5
Cotton fabrics mixed with silk	311	5
Plush and velvet	315	5
Ready-made clothing	314	5
Laces	330	5
Articles of flax and hemp:		
Woven fabrics	346	10
Laces, embroidery, trimmings	339	10
Linen goods ready-made	338, 345	10
Leather and skins:		
Gloves, excepting those known as schmaschen	440 to 445, inclusive ..	10
Articles of Paris (fancy goods):		
Imitation jewelry	193, 408	10
Jewelry	434	5
Buttons	414	5
Brushes	410	10
Dice, chessmen, etc.	417	10
Toys and playthings	418	20
Fans	427	10
Articles of amber, bone, ivory, mother-of-pearl, shell, meerscham ..	448, 449, 450, 459	15
Buckles	412	10
Articles of food:		
Prepared or preserved vegetables, pease, etc., including mush- rooms	241	10
Fruits preserved in sugar or spirits	263	10
Chicory, roasted or ground	280	5
Macaroni, vermicelli and all similar preparations	229	10
Nuts	272	20
Prunes	264	10
Olive oil	40	15
Chemicals:		
Colors and varnishes	44 to 59 inclusive	10
Coal-tar dyes or colors	15	20
Glycerine	24	10
Glue	23	10
Potash	62 to 66 inclusive	10
Soda	73 to 80 inclusive	10
Medicinal preparations	67, 68	10
Perfumery prepared with or without alcohol	2, 70	10
Soaps including perfumed soaps	72	10
Ultramarine blue	52	10

Articles.	As described in U. S. Tariff Act Nos.	Rate of reduc- tion.
Earthen and glass ware:		<i>Per cent.</i>
Bricks and tiles, varnished	87 S2, 4.....	10
Enameled, or ornamented	88 S2, 3.....	10
Bottles.....	99.....	15
Glass decanters, and other glass vessels.....	100.....	5
Window glass and other glass	101 to 105 inclusive ...	10
Spectacles and glasses for spectacles	108 to 110 inclusive ...	10
Opera glasses, lenses, etc	111.....	10
Metal work:		
Cutlery	153, 155.....	10
Watchmakers articles, clocks.....	191.....	15
Nails, spikes, points, needles	160 to 165 inclusive ...	15
Metallic pens	186.....	10
Penholders.....	187.....	10
Other goods and wares composed wholly or in part of manufac- tured metal not specially provided for in the Act.....	193.....	10
Galloon, braid, embroidery, and other articles made wholly or partly of tinsel-wire, bullions, or metal threads.....	179.....	5
Paper:		
Copying, filtering, blotting and surface-coated paper, or paper covered with metal or its solutions, parchment, sensitized paper for photographic purposes.....	397, 398.....	10
Letter-paper hand-made	401.....	10
Envelopes	399.....	10
Blank books	403.....	10
Albums.....	404.....	10
Articles of paper	407.....	10
Feathers, etc., dressed for ornament, etc. and artificial flowers.....	425 S2.....	5
Wood and wooden furniture	208.....	10
Plants and seeds.....	251, 252, 254.....	20
Straw hats.....	409.....	10
Braids of straw or grass, etc. especially for making or ornamenting hats	409.....	10
Cement	89.....	10
Furs not on the skin for hats	426.....	20
Hats including felt hats	370, 432.....	10
Musical instruments	453.....	15
Feathers, not dressed.....	425 S 1.....	20
Mineral waters	301.....	20
Liqueurs	292.....	10

73

ARTICLE III.

74 It is further agreed that should the United States concede upon
75 any articles of merchandise described in the preceding Schedule
76 being the product of the soil or industry of any other country a
77 lower rate of duty than that herein designated for the like articles
78 being the product of the soil or industry of France or Algeria
79 such lower rate shall be applied of right and without delay to the
80 like articles being the product of France or Algeria.

81 It is also agreed that any reduction of the duties provided by
82 the Tariff Act of the United States approved July 24, 1897, upon
83 sparkling wines, or upon the articles of woolen manufacture
84 described in paragraphs Numbers 360 to 382, inclusive, of said
85 Tariff Act, being the product of the soil and industry of any other
86 European country, which may after the date hereof be conceded
87 to such country by the United States shall be immediately
88 extended to the same articles being the product of the soil or
89 industry of France or of Algeria.

90 ARTICLE IV.

91 Should either of the High Contracting Parties during the term
92 of this Convention by any legislative action so change the relative
93 conditions of trade as existing at the date of this Convention, to
94 wit, France by increasing the minimum rates of duty herein stipu-
95 lated for products of the United States, or the United States by
96 increasing the reduced rates set forth in the foregoing Schedule,
97 or increasing the existing rates upon other French products, or
98 either Party by imposing new restrictions or prohibitions upon
99 importations from the other, in such case the option is reserved
100 to the other High Contracting Party to terminate its obligations
101 under this Convention after six months notice to the other of its
102 intention to arrest the operation thereof.

103 ARTICLE V.

104 This Convention shall be duly ratified by the respective Govern-
105 ments so soon as practicable and within eight months from the
106 date hereof, and the ratifications shall be exchanged at Washing-
107 ton; and it shall go into effect ten days thereafter, and shall, sub-
108 ject to the provisions of Article IV, continue in force for the term
109 of five years from the date of such exchange of ratifications, unless
110 one of the High Contracting Parties shall in the meantime have
111 given notice to the other of its wish to terminate the same, in
112 which case the Convention shall be terminated twelve months
113 from the reception of such notice by the other Party. If neither
114 High Contracting Party shall have given such notice before the
115 expiration of five years the Convention shall continue in force
116 from year to year thereafter until twelve months after such notice
117 shall be given.

**SECTIONS FROM THE UNITED STATES TARIFF OF JULY 24, 1897,
AS MODIFIED BY THE PENDING FRENCH TREATY.**

Average ad valorem rates of duty based upon the statement of imports for consumption of the Bureau of Statistics, Treasury Department, for the year ended June 30, 1898, pages 697 to 887.

The first right-hand column shows average ad valorem rate of duty for 1898 under the Dingley Law; the second column the corresponding rates as proposed by the Treaty; the left-hand column gives per cent of reduction in each section.

Prepared especially for the Committee on Foreign Relations of the United States Senate, January 22, 1900, by Mr. Joseph S. McCoy, Government actuary.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>				
10	2. All alcoholic perfumery, including cologne water and other toilet waters and toilet preparations of all kinds, containing alcohol or in the preparation of which alcohol is used, and alcoholic compounds not specially provided for in this act, sixty cents per pound and forty-five per centum ad valorem..	<i>Per cent.</i> 67.72	<i>Per cent.</i> 60.95	
20	15. Coal-tar dyes or colors, not spe- cially provided for in this act, thirty per centum ad valorem	30	24	
10	23. Glue, or fish glue: Valued at not above ten cents per pound, two and one-half cents per pound.....	33.15	29.84	
	Valued at above ten cents per pound and not above thirty- five cents per pound, twenty- five per centum ad valorem...	25	22½	

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>				
10	23. Glue, or fish glue—Continued. Valued above thirty-five cents per pound, fifteen cents per pound and twenty per centum ad valorem	<i>Per cent.</i> 41.61	<i>Per cent.</i> 37.45	
10	24. Glycerin : Crude, not purified, one cent per pound	15.92	14½	
	Refined, three cents per pound..	33.73	30.36	
15	40. Olive oil : Not specially provided for in this act, forty cents per gallon. In bottles, jars, tins, or similar packages, fifty cents per gal- lon	45.39 39.13	38.58 33.26	
10	44. Baryta, sulphate of, or barytes, in- cluding barytes earth : Unmanufactured, seventy-five cents per ton	38.27	34.45	
	Manufactured, five dollars and twenty-five cents per ton	44.34	39.91	
10	45. Blues, such as Berlin, Prussian, Chinese, and all others, contain- ing ferrocyanide of iron, in pulp, dry or ground in or mixed with oil or water, eight cents per pound	30.61	27.45	
10	46. Blanc-fixe, or artificial sulphate of barytes, and satin white, or arti- ficial sulphate of lime, one-half of one cent per pound	45.80	41.22	
10	47. Black, made from bone, ivory, or vegetable substance, by what- ever name known, including bone black and lampblack, dry or ground in oil or water, twenty- five per centum ad valorem	25	22½	

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>		<i>Per cent.</i>	<i>Per cent.</i>	
10	48. Chrome yellow, chrome green, and all other chromium colors in the manufacture of which lead and bichromate of potash or soda are used, in pulp, dry, or ground in or mixed with oil or water, four and one-half cents per pound	30.65	27.59	
10	49. Ocher and ochery earths not spe- cially provided for, when crude or not powdered, washed or pulver- ized, one-eighth of one cent per pound.....	17.54	15.79	
	Sienna and sienna earths not spe- cially provided for, when crude or not powdered, washed or pulver- ized, one-eighth of one cent per pound.....	5.81	5.22	
	Umber and umber earths not spe- cially provided for, when crude or not powdered, washed or pulver- ized, one-eighth of one cent per pound.....	15.99	14.39	
	Ocher and ochery earths not spe- cially provided for, if powdered, washed or pulverized, three- eighths of one cent per pound....	44.70	40.23	
	Sienna and sienna earths not spe- cially provided for, if powdered, washed or pulverized, three- eighths of one cent per pound....	16.89	15.20	
	Umber and umber earths not spe- cially provided for, if powdered, washed or pulverized, three- eighths of one cent per pound....	23.63	21.27	
	Ocher and ochery earths not spe- cially provided for, if ground in oil or water, one and one-half cents per pound	31.47	28.83	

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>				
10	49. Sienna and sienna earths not spe- cially provided for, if ground in oil or water, one and one-half cents per pound	<i>Per cent.</i> 17.02	<i>Per cent.</i> 15.32	
	Umber and umber earths not spe- cially provided for, if ground in oil or water, one and one-half cents per pound	28.75	25.88	
10	50. Orange mineral, three and three- eighths cents per pound	72.22	65	
10	51. Red lead, two and seven-eighths cents per pound	78.65	70.39	
10	52. Ultramarine blue, whether dry, in pulp, or mixed with water, and wash blue containing ultrama- rine, three and three-fourths cents per pound	34.07	30.67	
10	53. Varnishes: Including so-called gold size or japan, thirty-five per centum ad valorem	35	31.42	
	Spirit varnishes, one dollar and thirty-two cents per gallon and thirty-five per centum ad valorem	93.69	84.28	
10	54. Vermilion red, and other colors: Containing quicksilver, dry or ground in oil or water, ten cents per pound	19.71	17.74	
	When not containing quicksil- ver, but made of lead or con- taining lead, five cents per pound	24.53	22.08	
10	55. Whitelead, whitepaint and pigment containing lead, dry or in pulp, or ground or mixed with oil, two and seven-eighths cents per pound...	57.92	52.13	

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>		<i>Per cent.</i>	<i>Per cent.</i>	
- 10	56. Whiting and Paris white, dry, one- fourth of one cent per pound..... Ground in oil, or putty, one cent per pound	70. 05 16. 43	63. 05 14. 79	
10	57. Zinc, oxide of, and white paint or pigment containing zinc, but not containing lead: Dry, one cent per pound..... Ground in oil, one and three- fourths cents per pound..... Sulphid of zinc white, or white sulphide of zinc, one and one- fourth cents per pound..... Chloride of zinc and sulphate of zinc, one cent per pound...	28. 49 33. 80 45. 63 40. 71	25. 64 30. 52 41. 07 36. 64	
10	58. All paints, colors, pigments, lakes, crayons, smalts and frostings, whether crude or dry or mixed, or ground with water or oil or with solutions other than oil, not otherwise specially provided for in this act, thirty per centum ad valorem	30	27	
	All paints, colors and pigments, commonly known as artists' paints or colors, whether in tubes, pans, cakes or other forms, thirty per centum ad valorem	30	27	
10	59. Paris green, and London purple, fifteen per centum ad valorem.....	15	13½	
10	62. Bichromate and chromate of potash, three cents per pound.....	38. 34	34. 51	
10	63. Caustic or hydrate of, refined, in sticks or rolls, one cent per pound. Chlorate of, two and one-half cents per pound	7. 35 39. 89	6. 62 35. 90	

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>		<i>Per cent.</i>	<i>Per cent.</i>	
10	64. Hydriodate, iodide and iodate of, twenty-five cents per pound	10. 79	9. 71	
	65. Nitrate of, or saltpeter, refined, one- half cent per pound	12. 53	11. 28	
	66. Prussiate of:			
	Red, eight cents per pound	33. 31	29. 98	
10	Yellow, four cents per pound	41. 03	36. 93	
	Cyanide of potassium, twelve and one-half per centum ad valorem.	12½	11½	
	67. Medicinal preparations containing alcohol, or in the preparation of which alcohol is used, not spe- cially provided for in this act, fifty-five cents per pound, but in no case shall the same pay less than twenty-five per centum ad valorem	25 up	22½ up	
	68. Medicinal preparations not contain- ing alcohol or in the preparation of which alcohol is not used, not specially provided for in this act, twenty-five per centum ad va- lorem	25	22½	
10	Calomel and other mercurial medic- inal preparations, thirty-five per centum ad valorem	35	31½	
	70. Preparations used as applications to the hair, mouth, teeth, or skin, such as cosmetics, dentifrices, pastes, pomades, powders, and other toilet articles, and articles of perfumery, whether in sachets or otherwise, not containing alco- hol or in the manufacture of which alcohol is not used, and not specially provided for in this act, fifty per centum ad valorem	50	45	

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>		<i>Per cent.</i>	<i>Per cent.</i>	
10	72. Castile soap, one and one-fourth cents per pound.....	21.52	19.37	
	Fancy, perfumed, and all descrip- tions of toilet soap, including so- called medicinal or medicated soaps, fifteen cents per pound	25.48	22.94	
	All other soaps not specially pro- vided for in this act, twenty per centum ad valorem.....	20	18	
10	73. Bicarbonate of soda, or supercar- bonate of soda, or saleratus, and other alkalies containing fifty per centum or more of bicarbonate of soda, three-fourths of one cent per pound	50.58	45.53	
	74. Bichromate and chromate of soda, two cents per pound.....	31.06	27.96	
	75. Crystal carbonate of soda, or con- centrated soda crystals, or mo- nohydrate, or sesquicarbonate of soda, three-tenths of one cent per pound	37.59	33.83	
	Chlorate of soda, two cents per pound	25.63	23.07	
	76. Hydrate of, or caustic soda, three- fourths of one cent per pound....	47.65	42.89	
	Nitrate of soda, two and one-half cents per pound	10.49	9.45	
	Hypo-sulphite and sulphide of soda, one-half of one cent per pound....	56.01	50.41	
	77. Sal soda, or soda crystals, not con- centrated, two-tenths of one cent per pound	42.75	38.48	
	78. Soda ash, three-eighths of one cent per pound; arseniate of soda, one and one-fourth cents per pound ..	55.97	50.38	

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>				
10	79. Silicate of soda, or other alkaline silicate, one-half of one cent per pound	<i>Per cent.</i> 53.18	<i>Per cent.</i> 47.87	
	80. Sulphate of soda, or salt cake, or niter cake, one dollar and twenty- five cents per ton	15.82	14.24	
10	87. Fire brick, glazed, enameled, orna- mented, or decorated, forty-five per centum ad valorem	45	40½	
	Other brick, if glazed, enameled, painted, vitrified, ornamented, or decorated in any manner, forty- five per centum ad valorem	45	40½	
10	88. Tiles, glazed, encaustic, ceramic mosaic, vitrified, semivitrified, flint, spar, embossed, enameled, ornamental, hand-painted, gold- decorated, and all other earthen- ware tiles: Valued at not exceeding forty cents per square foot, eight cents per square foot	72.58	65.38	
	Exceeding forty cents per square foot, ten cents per square foot and twenty-five per centum ad valorem	39.22	35.30	
10	89. Roman, Portland, and other hy- draulic cement: In barrels, sacks, or other pack- ages, eight cents per one hun- dred pounds, including weight of barrel or package..	24.79	22.82	
	In bulk, seven cents per one hundred pounds	None imported.		
	Other cement, twenty per centum ad valorem	20	18	

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>				
15	<p>99. Plain green or colored, molded or pressed, and flint, lime, or lead glass bottles, vials, jars, and covered or uncovered demijohns and carboys, any of the foregoing, filled or unfilled, not otherwise specially provided for, and whether their contents be dutiable or free (except such as contain merchandise subject to an ad valorem rate of duty, or to a rate of duty based in whole or in part upon the value thereof, which shall be dutiable at the rate applicable to their contents), shall pay duty as follows:</p> <p> If holding more than one pint, one cent per pound</p> <p> If holding not more than one pint and not less than one- fourth of a pint, one and one- half cents per pound</p> <p> If holding less than one-fourth of a pint, fifty cents per gross</p> <p> <i>Provided, That none of the above articles shall pay a less rate of duty than forty per centum ad valorem.</i></p>			
5	<p>100. Glass bottles, decanters, or other vessels or articles of glass, cut, engraved, painted, colored, stained, silvered, gilded, etched, frosted, printed in any manner or otherwise ornamented, decorated, or ground (except such</p>			
		<i>Per cent.</i>	<i>Per cent.</i>	
		61.74	52.49	
		85.79	73.09	
		40.79	34.68	

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Concession.	Sections of the tariff law in which reduction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reciprocity.	
<i>Per cent.</i>				
5	100. Glass bottles, etc.—Continued. grinding as is necessary for fitting stoppers), and any articles of which such glass is the component material of chief value, and porcelain, opal and other blown glassware; all the foregoing, filled or unfilled, and whether their contents be dutiable or free, sixty per centum ad valorem.	<i>Per cent.</i> 60	<i>Per cent.</i> 57	
10	101. Unpolished, cylinder, crown, and common window glass— Not exceeding ten by fifteen inches square, one and three-eighths cents per pound.... Above that, and not exceeding sixteen by twenty-four inches square, one and seven-eighths cents per pound Above that, and not exceeding twenty-four by thirty inches square, two and three-eighths cents per pound.... Above that, and not exceeding twenty-four by thirty-six inches square, two and seven-eighths cents per pound.... Above that, and not exceeding thirty by forty inches square, three and three-eighths cents per pound Above that, and not exceeding forty by sixty inches square, three and seven-eighths cents per pound	42.45 104.32 117.66 127.89 154.81 145.01	38.21 93.89 105.90 115.10 139.33 120.51	

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>				
10	101. Unpolished, cylinder, crown, and common window glass—Cont'd. Above that, four and three- eighths cents per pound..... <i>Provided, That unpolished</i> cylinder, crown, and com- mon window glass, imported in boxes, shall contain fifty square feet, as nearly as sizes will permit, and the duty shall be computed thereon according to the actual weight of glass.	<i>Per cent.</i> 134.90	<i>Per cent.</i> 121.41	
10	102. Cylinder and crown glass, pol- ished— Not exceeding sixteen by twenty-four inches square, four cents per square foot... Above that, and not exceeding twenty-four by thirty inches square, six cents per square foot Above that, and not exceeding twenty-four by sixty inches square, fifteen cents per square foot Above that, twenty cents per square foot.	25.51 32.14 63.91	22.96 28.93 57.52	
10	103. Fluted, rolled, ribbed, or rough plate glass, or the same contain- ing a wire netting within itself, not including crown, cylinder, or common window glass— Not exceeding sixteen by twenty-four inches square, three-fourths of one cent per square foot	12.99	11.70	

Sections from the United States tariff of July 22, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>				
10	<p>103. Fluted, rolled, ribbed, or rough plate glass, etc.—Continued.</p> <p>Above that, and not exceeding twenty-four by thirty inches square, one and one-fourth cents per square foot; all above that, one and three-fourths cents per square foot.</p> <p>And all fluted, rolled, ribbed, or rough plate glass, weighing over one hundred pounds per one hundred square feet, shall pay an additional duty on the excess at the same rates herein imposed: <i>Provided</i>, That all of the above plate glass, when ground, smoothed, or otherwise obscured, shall be subject to the same rate of duty as cast polished plate glass unsilvered.</p>	<i>Per cent.</i> 42.05	<i>Per cent.</i> 37.85	
10	<p>104. Cast polished plate glass, finished or unfinished and unsilvered:</p> <p>Not exceeding sixteen by twenty-four inches square, eight cents per square foot..</p> <p>Above that size and not exceeding twenty-four by thirty inches square, ten cents per square foot</p> <p>Above that size and not exceeding twenty-four by sixty inches square, twenty-two and one-half cents per square foot</p> <p>All above that size, thirty-five cents per square foot.....</p>	<p>26.68</p> <p>43.77</p> <p>83.33</p> <p>84.31</p>	<p>24.02</p> <p>39.40</p> <p>75</p> <p>30.88</p>	

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>		<i>Per cent.</i>	<i>Per cent.</i>	
10	105. Cast polished plate glass, silvered, cylinder and crown glass, sil- vered, and looking-glass plates: Exceeding in size one hundred and forty-four square inches and not exceeding sixteen by twenty-four inches square, eleven cents per square foot.....	9.36	8.43	
	Above that size and not exceed- ing twenty-four by thirty inches square, thirteen cents per square foot.....	15.39	13.86	
	Above that size and not exceed- ing twenty-four by sixty inches square, twenty-five cents per square foot.....	27.68	24.92	
	All above that size, thirty-eight cents per square foot.....	21.56	19.41	
10	106. But no looking-glass plates or plate glass, silvered, when framed, shall pay a less rate of duty than that imposed upon similar glass of like description not framed, but shall pay in addition thereto upon such frames the rate of duty appli- cable thereto when imported separate.			
10	108. Spectacles, eyeglasses, and gog- gles, and frames for the same, or parts thereof, finished or un- finished: Valued at not over forty cents per dozen, twenty cents per dozen and fifteen per cen- tum ad valorem.....	95.85	86.27	

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>				
10	108. Spectacles, eyeglasses, and gog- gles, etc.—Continued. Valued at over forty cents per dozen and not over one dol- lar and fifty cents per dozen, forty-five cents per dozen and twenty per centum ad valorem Valued at over one dollar and fifty cents per dozen, fifty per centum ad valorem.....	<i>Per cent.</i> 79.79 50	<i>Per cent.</i> 71.81 45	
10	109. Lenses of glass or pebble, ground and polished to a spherical, cylindrical, or prismatic form, and ground and polished plano or coquill glasses: Wholly or partly manufac- tured, with the edges un- ground, forty-five per cen- tum ad valorem If with their edges ground or beveled, ten cents per dozen pairs and forty-five per cen- tum ad valorem.....	45 46.74	40½ 42.07	
10	110. Strips of glass, not more than three inches wide, ground or polished on one or both sides to a cylindrical or prismatic form, forty-five per centum ad valo- rem	45	40½	
10	153. Penknives or pocketknives, clasp knives, pruning knives, and bud- ding knives of all kinds, or parts thereof, and erasers or manicure knives, or parts thereof, wholly or partly manufactured: Valued at not more than forty cents per dozen, forty per centum ad valorem.....	40	36	

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>				
10	153. Penknives or pocketknives, clasp knives, etc.—Continued. Valued at more than forty cents per dozen and not ex- ceeding fifty cents per dozen, one cent per piece and forty per centum ad valorem..... Valued at more than fifty cents per dozen and not ex- ceeding one dollar and twenty-five cents per dozen, five cents per piece and forty per centum ad valorem..... Valued at more than one dol- lar and twenty-five cents per dozen and not exceed- ing three dollars per dozen, ten cents per piece and forty per centum ad valorem..... Valued at more than three dollars per dozen, twenty cents per piece and forty per centum ad valorem: <i>Provided, That blades, han- dles, or other parts of either or any of the foregoing ar- ticles, imported in any other manner than assembled in finished knives or erasers, shall be subject to no less rate of duty than herein pro- vided for penknives, pocket- knives, clasp knives, prun- ing-knives, manicure knives, and erasers valued at more than fifty and not more than one dollar and fifty cents per dozen</i>	<i>Per cent.</i> 64.26 98.52 93.92 85.91	<i>Per cent.</i> 57.84 88.67 84.53 77.32	

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>				
10	153. Penknives or pocketknives, clasp knives, etc.—Continued. Razors and razor blades, fin- ished or unfinished, valued at less than one dollar and fifty cents per dozen, fifty cents per dozen and fifteen per centum ad valorem Valued at one dollar and fifty cents per dozen and less than three dollars per dozen, one dollar per dozen and fifteen per centum ad valorem Valued at three dollars per dozen or more, one dollar and seventy-five cents per dozen and twenty per cent- um ad valorem Scissors and shears, and blades for the same, finished or un- finished, valued at not more than fifty cents per dozen, fifteen cents per dozen and fifteen per centum ad valorem Valued at more than fifty cents and not more than one dollar and seventy-five cents per dozen, fifty cents per dozen and fifteen per centum ad valorem Valued at more than one dollar and seventy-five cents per dozen, seventy-five cents per dozen and twenty-five per centum ad valorem	<i>Per cent.</i> 55.93 55.61 61.49 54.03 63.92 43.86	<i>Per cent.</i> 50.34 50.08 55.34 48.63 57.53 39.48	

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>				
10	155. Table, butchers', carving, cooks', hunting, kitchen, bread, butter, vegetable, fruit, cheese, plumb- ers', painters', palette, artists', and shoe knives, forks, and steels— Finished or unfinished, with handles of mother-of-pearl, shell, or ivory, sixteen cents each..... With handles of deer horn, twelve cents each..... With handles of hard rubber, solid bone, celluloid or any pyroxyline material, five cents each..... With handles of any other material than those above mentioned, one and one-half cents each..... And in addition, on all the above articles, fifteen per centum ad valorem: <i>Pro-</i> <i>vided</i> , That none of the above- named articles shall pay a less rate of duty than forty- five per centum ad valorem.	<i>Per cent.</i> 58.58 57.06 52.76 66.92	<i>Per cent.</i> 52.73 51.36 47.44 60.27	
15	160. Cut nails and cut spikes of iron or steel, six-tenths of one cent per pound.....	19.91	16.92	
	161. Horseshoe nails, hob nails, and all other wrought iron or steel nails not specially provided for in this act, two and one-fourth cents per pound.....	32.18	27.36	

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
Per cent.				
15	162. Wire nails made of wrought iron or steel: Not less than one inch in length and not lighter than number sixteen wire gauge, one-half of one cent per pound.....	Per cent. 17. 16	Per cent. 14. 60	
	Less than one inch in length and lighter than numbers six- teen wire gauge, one cent per pound	11. 67	9. 93	
	163. Spikes, of wrought iron or steel, one cent per pound.....	48. 03	40. 83	
	164. Cut tacks, brads, or sprigs: Not exceeding sixteen ounces to the thousand, one and one- fourth cents per thousand...	72. 63	61. 74	
	Exceeding sixteen ounces to the thousand, one and one- half cents per pound. a			
5	165. Needles for knitting or sewing ma- chines, including latch needles, one dollar per thousand and twenty-five per centum ad valo- rem	40. 43	34. 37	
	Crochet needles and tape needles, knitting and all other needles, not specially provided for in this act, and bodkins of metal, twen- ty-five per centum ad valorem...	25	21½	
	179. Laces, embroideries, braids, gal- loons, trimmings, or other arti- cles, made wholly or in chief value of tinsel wire, lame or lahn, bullions, or metal threads, sixty per centum ad valorem	60	57	

a None imported

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>		<i>Per cent.</i>	<i>Per cent.</i>	
10	186. Pens, metallic, except gold pens, twelve cents per gross	44.09	39.69	
10	187. Penholder tips, penholders or parts thereof, twenty-five per centum ad valorem	25	22½	
15	191. Watch movements, whether im- ported in cases or not— If having not more than seven jewels, thirty-five cents each.	59.63	50.68	
	If having more than seven jewels and not more than eleven jewels, fifty cents each.....	46.10	39.19	
	If having more than eleven jewels and not more than fifteen jewels, seventy-five cents each	43.43	36.92	
	If having more than fifteen jewels and not more than seventeen jewels, one dollar and twenty-five cents each..	35.04	30.50	
	If having more than seventeen jewels, three dollars each...	34.45	29.29	
	And in addition thereto, on all the foregoing, twenty-five per centum ad valorem.			
	Watch cases and parts of watches, including watch dials, chro- nometers, box or ship, and parts thereof, clocks and parts thereof, not otherwise provided for in this act, whether separately packed or otherwise, not com- posed wholly or in part of china, porcelain, parian, bisque, or earthenware, forty per centum ad valorem.....	40	34	

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>				
15	191. All jewel for use in the manufac- ture of watches or clocks, ten per centum ad valorem.....	<i>Per cent.</i> 10	<i>Per cent.</i> 8½	
10	193. Articles or wares not specially pro- vided for in this act, composed wholly or in part of iron, steel, lead, copper, nickel, pewter, zinc, gold, silver, platinum, aluminum, or other metal, and whether partly or wholly man- ufactured, forty-five per centum ad valorem	45	40½	
10	208. House or cabinet furniture, of wood, wholly or partly finished, and manufactures of wood, or of which wood is the compo- nent material of chief value, not specially provided for in this act, thirty-five per centum ad valorem	35	30½	
10	229. Macaroni, vermicelli, and all simi- lar preparations, one and one- half cents per pound.....	36.44	32.80	
10	241. Beans, pease, and mushrooms— Prepared or preserved, in tins, jars, bottles, or similar pack- ages, two and one-half cents per pound, including the weight of all tins, jars, and other immediate coverings.. All vegetables, prepared or preserved, including pickles and sauces of all kinds, not specially provided for in this act, and fish paste or sauce, forty per centum ad valorem	29.90	27	
		40	36	

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>				
20	251. Orchids, palms, dracænas, crotons and azaleas, tulips, hyacinths, narcissi, jonquils, lilies of the valley, and all other bulbs, bulbous roots, or corms, which are cultivated for their flowers, and natural flowers of all kinds, preserved or fresh, suitable for decorative purposes, twenty-five per centum ad valorem.....	<i>Per cent.</i> 25	<i>Per cent.</i> 20	
20	252. Stocks, cuttings or seedlings of Myrobalan plum, Mahaleb or Mazzard cherry, three years old or less, fifty cents per thousand plants and fifteen per centum ad valorem	48.71	39.97	
	Stocks, cuttings or seedlings of pear, apple, quince, and the St. Julien plum, three years old or less, and evergreen seedlings, one dollar per thousand plants and fifteen per centum ad valorem	47.10	37.68	
20	Rose plants, budded, grafted, or grown on their own roots, two and one-half cents each.....	69.40	55.52	
	Stocks, cuttings and seedlings of all fruit and ornamental trees, deciduous and evergreen, shrubs and vines, manetti, multiflora, and brier rose, and all trees, shrubs, plants and vines, com- monly known as nursery or greenhouse stock, not specially provided for in this act, twenty- five per centum ad valorem.....	25	20	

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>				
20	254. Seeds: Castor beans or seeds, twenty- five cents per bushel of fifty pounds..... Flaxseed or linseed and other oil seeds not specially pro- vided for in this act, twenty- five cents per bushel of fifty-six pounds..... Poppy seed, fifteen cents per bushel..... But no drawback shall be allowed upon oil cake made from imported seed, nor shall any allowance be made for dirt or other impurities in any seed. Seeds of all kinds not specially provided for in this act, thirty per centum ad va- lorem.....	<i>Per cent.</i> 20.75 22.19 6.71 30	<i>Per cent.</i> 16.60 17.75 5.37 24	
10	263. Fruits preserved in sugar, molas- ses, spirits, or in their own juices, not specially provided for in this act, one cent per pound and thirty-five per centum ad valorem..... If containing over ten per centum of alcohol and not specially pro- vided for in this act, thirty-five per centum ad valorem and in addition two dollars and fifty cents per proof gallon on the alcohol contained therein in ex- cess of ten per centum.....	45.03 62.20	40.53 55.98	

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>				
10	263. Pineapples preserved in their own juice, twenty-five per centum ad valorem	<i>Per cent.</i> 25	<i>Per cent.</i> 22½	
10	264. Prunes, two cents per pound	15.39	13.86	
20	272. Nuts of all kinds, shelled or un- shelled, not specially provided for in this act, one cent per pound	30.96	24.77	
5	280. Chicory root, burnt or roasted, ground or granulated, not spe- cially provided for in this act, two and one-half cents per pound	80.21	76.21	
10	292. Cordials, liqueurs, arrack, ab- sinthe, kirschwasser, ratafia, and other spirituous beverages or bitters of all kinds, contain- ing spirits, and not specially pro- vided for in this act, two dollars and twenty-five cents per proof gallon	97.18	87.47	
20	301. All mineral waters and all imita- tions of natural mineral waters, and all artificial mineral waters not specially provided for in this act: In green or colored glass bot- tles, containing not more than one pint, twenty cents per dozen bottles	38.87	31.10	
	If containing more than one pint and not more than one quart, thirty cents per dozen bottles	42.98	34.40	
	But no separate duty shall be assessed upon the bottles.			

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>				
20	301. All mineral waters and all imita- tions of natural mineral waters, etc.—Continued. If imported otherwise than in plain green or colored glass bottles, or if imported in such bottles containing more than one quart, twenty-four cents per gallon..... And in addition thereto duty shall be collected upon the bottles or other covering at the same rates that would be charged thereon if im- ported empty or separately.	<i>Per cent.</i> 155.02	<i>Per cent.</i> 121.20	
5	311. Cloth, composed of cotton or other vegetable fiber and silk, whether known as silk-striped sleeve linings, silk stripes, or other- wise, of which cotton is the component material of chief value, eight cents per square yard and thirty per centum ad- valorem..... <i>Provided, That no such cloth shall pay a less rate of duty than fifty per centum ad valorem.</i>	65.51	62.26	
5	314. Clothing, ready-made, and articles of wearing apparel of every de- scription, including neckties or neckwear composed of cotton or other vegetable fiber, or of which cotton or other vegetable fiber is the component material of chief value, made up or manu- factured, wholly or in part, by			

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Concession.	Sections of the tariff law in which reduction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reciprocity.	
<i>Per cent.</i>		<i>Per cent.</i>	<i>Per cent.</i>	
5	314. Clothing, ready-made, etc.—C't'd. the tailor, seamstress, or manufacturer, and not otherwise provided for in this act, fifty per centum ad valorem..... <i>Provided, That any outside garment provided for in this paragraph having india-rubber as a component material shall pay a duty of fifteen cents per pound and fifty per centum ad valorem.</i>	50	47½	
5	315. Plushes, velvets, velveteens, corduroys, and all pile fabrics, cut or uncut; any of the foregoing composed of cotton or other vegetable fiber, not bleached, dyed, colored, stained, painted, or printed, nine cents per square yard and twenty-five per centum ad valorem..... If bleached, dyed, colored, stained, painted, or printed, twelve cents per square yard and twenty-five per centum ad valorem..... <i>Provided, That corduroys composed of cotton or other vegetable fiber, weighing seven ounces or over per square yard, shall pay a duty of eighteen cents per square yard and twenty-five per centum ad valorem</i> <i>Provided further, That manufactures or articles in any form including such as are commonly known as bias</i>	57.56 85.17 65.87 to 70.98 80.25	54.69 80.91 62.84 to 67.44 76.24	

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed re- duc- tion.	
<i>Per cent.</i>				
5	315. Plushes, velvets, etc.—Continued. dress facings or skirt bind- ings, made or cut from plushes, velvets, velveteens, corduroys, or other pile fab- rics composed of cotton or other vegetable fiber, shall be subject to the foregoing rates of duty and in addition thereto ten per centum ad valorem. <i>Provided further,</i> That none of the articles or fabrics pro- vided for in this paragraph shall pay a less rate of duty than forty-seven and one- half per centum ad valorem.			
20	317. <i>a</i> Stockings, hose, and half-hose, made on knitting machines or frames, composed of cotton or other vegetable fiber, and not otherwise specially provided for in this act, thirty per centum ad valorem.....	<i>Per cent.</i> 30	<i>Per cent.</i> 24	
20	318. Stockings, hose, and half-hose, sel- vedged, fashioned, narrowed, or shaped wholly or in part by knit- ting machines or frames, or knit by hand, including such as are commercially known as seamless stockings, hose, and half-hose, and clocked stockings, hose or half-hose, all of the above com- posed of cotton or other vegetable fiber finished or unfinished: Valued at not more than one dollar per dozen pairs, fifty cents per dozen pairs.....	71.40	57.12	

a Only \$16,254 imported from the world in 1898.

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>				
20	318. Stockings, hose, etc.—Continued. Valued at more than one dol- lar per dozen pairs, and not more than one dollar and fifty cents per dozen pairs, sixty cents per dozen pairs.. Valued at more than one dol- lar and fifty cents per dozen pairs, and not more than two dollars per dozen pairs, sev- enty cents per dozen pairs... Valued at more than two dol- lars per dozen pairs, and not more than three dollars per dozen pairs, one dollar and twenty cents per dozen pairs.. Valued at more than three dollars per dozen pairs and not more than five dollars per dozen pairs, two dollars per dozen pairs And in addition thereto, upon all the foregoing, fifteen per centum ad valorem. Valued at more than five dol- lars per dozen pairs, fifty- five per centum ad valorem..	<i>Per cent.</i> 61.64 52.70 62.16 66.19 55	<i>Per cent.</i> 49.32 42.16 49.73 52.95 44	
20	319. Shirts and drawers, pants, vests, union suits, combination suits, tights, sweaters, corset covers, and all underwear of every de- scription made wholly or in part on knitting machines or frames, or knit by hand, finished or un- finished, not including stock-			

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>				
20	319. Shirts and drawers, etc.—Cont'd. ings, hose, and half-hose, com- posed of cotton or other vegeta- ble fiber: Valued at not more than one dollar and fifty cents per dozen, sixty cents per dozen and fifteen per centum ad valorem Valued at more than one dollar and fifty cents per dozen and not more than three dollars per dozen, one dollar and ten cents per dozen, and in addition thereto fifteen per centum ad valorem Valued at more than three dollars per dozen and not more than five dollars per dozen, one dollar and fifty cents per dozen, and in addi- tion thereto twenty-five per centum ad valorem Valued at more than five dol- lars per dozen and not more than seven dollars per dozen, one dollar and seventy-five cents per dozen and in addi- tion thereto thirty-five per centum ad valorem Valued at more than seven dollars per dozen and not more than fifteen dollars per dozen, two dollars and twenty-five cents per dozen, and in addition thereto thirty-five per centum ad valorem	<i>Per cent.</i> 61.84 61.08 64.03 64.72 60.91	<i>Per cent.</i> 49.47 48.87 51.23 51.78 48.73	

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>		<i>Per cent.</i>	<i>Per cent.</i>	
20	319. Shirts and drawers, etc.—Cont'd. Valued above fifteen dollars per dozen, fifty per centum ad valorem	50	40	
5	320. Bandings, beltings, bindings, bone casings, cords, garters, lining for bicycle tires, ribbons, suspenders and braces, tapes, tubing, and webs or webbing, any of the fore- going articles made of cotton or other vegetable fiber, whether composed in part of india- rubber or otherwise, and not em- broidered by hand or machinery, forty-five per centum ad valorem. Spindle banding, woven, braided or twisted lamp, stove, or can- dle wicking made of cotton or other vegetable fiber, ten cents per pound and fifteen per cent- um ad valorem.....	45 46.65	42½ 44.32	
	Loom harness or healds made of cotton or other vegetable fiber, or of which cotton or other vege- table fiber is the component ma- terial of chief value, fifty cents per pound and twenty-five per centum ad valorem.....	42.14	40.04	
	Boot, shoe, and corset lacings made of cotton or other vegetable fiber, twenty-five cents per pound and fifteen per centum ad valorem...	63.02	59.87	
	Labels, for garments or other arti- cles, composed of cotton or other vegetable fiber, fifty cents per pound and thirty per centum ad valorem	44.28	42.05	

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>				
10	338. Shirt collars and cuffs, composed in whole or in part of linen, forty cents per dozen pieces and twenty per centum ad valorem.	<i>Per cent.</i> 58.19	<i>Per cent.</i> 52.38	
10 linen. 5 cotton.	339. Laces, lace window curtains, ti- dies, pillow shams, bed sets, in- sertings, flouncings, and other lace articles; handkerchiefs, napkins, wearing apparel, and other articles, made wholly or in part of lace, or in imitation of lace; nets or nettings, veils and veilings, etamines, vitrages, neck ruffings, ruchings, tuck- ings, flutings, and quillings; embroideries and all trimmings, including braids, edgings, in- sertings, flouncings, galloons, gorings, and bands; wearing apparel, handkerchiefs, and other articles or fabrics embroid- ered in any manner by hand or machinery, whether with a let- ter, monogram or otherwise; tamboured or appliquéd arti- cles, fabrics or wearing apparel; hemstitched or tucked floun- cings or skirtings, and articles made wholly or in part of ruf- flings, tuckings, or ruchings; all of the foregoing, composed wholly or in chief value of flax, cotton, or other vegetable fiber, and not elsewhere specially pro- vided for in this act, whether composed in part of india rubber			

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>		<i>Per cent.</i>	<i>Per cent.</i>	
10 linen.	339. Laces, etc.—Continued. or otherwise, sixty per centum ad valorem	60	57 cotton. 54 linen.	
5 cotton.	<i>Provided, That no wearing ap- parel or other article or tex- tile fabric, when embroid- ered by hand or machinery, shall pay duty at a less rate than that imposed in any schedule of this act upon any embroideries of the materials of which such embroidery is composed.</i>			
10	345. Handkerchiefs composed of flax, hemp, or ramie, or of which these substances, or either of them is the component material of chief value, whether in the piece or otherwise, and whether finished or unfinished: Not hemmed or hemmed only, fifty per centum ad valorem. If hemstitched, or imitation hemstitched, or reversed, or with drawn threads, but not embroidered or initialed, fifty-five per centum ad valorem	50	45	
10	346. Woven fabrics or articles not specially provided for in this act, composed of flax, hemp, or ramie, or of which these sub- stances or either of them is the component material of chief value, weighing four and one-	55	49½	

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>				
10	346. Woven fabrics, etc.—Continued. half ounces or more per square yard: When containing not more than sixty threads to the square inch, counting the warp and filling, one and three-fourths cents per square yard Containing more than sixty and not more than one hun- dred and twenty threads to the square inch, two and three-fourths cents per square yard Containing more than one hun- dred and twenty and not more than one hundred and eighty threads to the square inch, six cents per square yard Containing more than one hun- dred and eighty threads to the square inch, nine cents per square yard And in addition thereto, on all the foregoing, thirty per centum ad valorem. <i>Provided, That none of the foregoing articles in this paragraph shall pay a less rate of duty than fifty per centum ad valorem.</i> Woven fabrics of flax, hemp, or ramie, or of which these sub- stances or either of them is the component material of chief	<i>Per cent.</i> 53.59 55.41 60.11 55.30	<i>Per cent.</i> 48.24 49.87 54.10 49.77	

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>				
10	346. Woven fabrics, etc.—Continued. value, including such as is known as shirting cloth, weigh- ing less than four and one-half ounces per square yard and con- taining more than one hundred threads to the square inch, count- ing the warp and filling, thirty- five per centum ad valorem	<i>Per cent.</i> 35	<i>Per cent.</i> 31½	
10	370. On felt hats composed wholly or in part of wool the duty per pound shall be four times the duty im- posed by this act on one pound of unwashed wool of the first class, and in addition thereto sixty per centum ad valorem.....	72.94	65.65	Hats of felt only.
5	384. Silk partially manufactured from cocoons or from waste silk, and not further advanced or manu- factured than carded or combed silk, forty cents per pound	33.02	31.37	
5	385. Thrown silk: Not more advanced than sin- gles, tram, organzine, sew- ing silk, twist, floss, and silk threads or yarns of every description, except spun silk, thirty per centum ad valorem	30	28½	
	Spun silk in skeins, cops, wraps, or on beams: Valued at not exceeding one dollar per pound, twenty cents per pound and fifteen per centum ad valorem.....	42.24	40.13	

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>				
5	385. Spun silk in skeins, cops, wraps, or beams—Continued. Valued at over one dollar per pound and not exceeding one dollar and fifty cents per pound, thirty cents per pound and fifteen per centum ad valorem Valued at over one dollar and fifty cents per pound and not exceeding two dollars per pound, forty cents per pound and fifteen per centum ad valorem Valued at over two dollars per pound and not exceeding two dollars and fifty cents per pound, fifty cents per pound and fifteen per centum ad valorem Valued at over two dollars and fifty cents per pound, sixty cents per pound and fifteen per centum ad valorem..... But in no case shall the fore- going articles pay a less rate of duty than thirty-five per centum ad valorem.	<i>Per cent.</i> 36.81 39.16 37.93 35	<i>Per cent.</i> 34.97 37.21 36.03 33½	
5	386. Velvets, velvet or plush ribbons, chenilles, or other pile fabrics, cut or uncut, composed of silk, or of which silk is the component material of chief value, not spe- cially provided for in this act, one dollar and fifty cents per pound and fifteen per centum ad valorem	68.36	64.95	

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>				
5	386. Plushes, composed of silk, or of which silk is the component material of chief value, one dol- lar per pound and fifteen per centum ad valorem..... But in no case shall the fore- going articles pay a less rate of duty than fifty per centum ad valorem.	<i>Per cent.</i> 64.57	<i>Per cent.</i> 61.35	
5	387. Woven fabrics in the piece, not spe- cially provided for in this act— Weighing not less than one and one-third ounces per square yard and not more than eight ounces per square yard, and containing not more than twenty per cent- um in weight of silk, if in the gum, fifty cents per pound .. And if dyed in the piece, sixty cents per pound If containing more than twenty per centum and not more than thirty per centum in weight of silk, if in the gum, sixty-five cents per pound..... And if dyed in the piece, eighty cents per pound If containing more than thirty per centum and not more than forty-five per centum in weight of silk, if in the gum, ninety cents per pound. And if dyed in the piece, one dollar and ten cents per pound.....	53.41 56.98 55.11 54.07 57.71 59.09	50.74 54.13 52.36 51.37 54.82 56.09	

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>				
5	387. Woven fabrics in the piece, not specially provided, etc.—C't'd. If dyed in the thread or yarn and containing not more than thirty per centum in weight of silk, if black (ex- cept selvedges), seventy-five cents per pound.....	<i>Per cent.</i> 57.59	<i>Per cent.</i> 54.71	
	And if other than black, ninety cents per pound	61.27	58.21	
	If containing more than thirty and not more than forty-five per centum in weight of silk, if black (except selvedges), one dollar and ten cents per pound.....	58.56	55.61	
	And if other than black, one dollar and thirty cents per pound	61.01	57.96	
	If containing more than forty- five per centum in weight of silk, or if composed wholly of silk, if dyed in the thread or yarn and weighted in the dyeing so as to exceed the original weight of the raw silk, if black (except sel- vedges), one dollar and fifty cents per pound.....	55.40	52.65	
	And if other than black, two dollars and twenty-five cents per pound.....	58.52	55.60	
	If dyed in the thread or yarn, and the weight is not in- creased by dyeing beyond the original weight of the raw silk, three dollars per pound.	88.83	84.39	

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>				
5	387. Woven fabrics in the piece, not specially provided, etc.—C't'd. If in the gum, two dollars and fifty cents per pound..... If boiled off, or dyed in the piece, or printed, three dol- lars per pound If weighing less than one and one-third ounces and more than one-third of an ounce per square yard, if in the gum, or if dyed in the thread or yarn, two and one-half dollars per pound..... If weighing less than one and one-third ounces and more than one-third of an ounce per square yard, if boiled off, three dollars per pound.. If dyed or printed in the piece, three dollars and twenty- five cents per pound If weighing not more than one- third of an ounce per square yard, four dollars and fifty cents per pound But in no case shall any of the foregoing fabrics in this paragraph pay a less rate of duty than fifty per centum ad valorem.	<i>Per cent.</i> 78.75 60.50 59.21 64.91 70.18 53.59	<i>Per cent.</i> 74.82 56.88 56.25 61.69 66.66 50.92	
5	388. Handkerchiefs or mufflers com- posed wholly or in part of silk, whether in the piece or other- wise, finished or unfinished, if not hemmed or hemmed only, shall pay the same rate of duty as is			

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>				
5	388. Handkerchiefs, etc.—Continued. imposed on goods in the piece of the same description, weight, and condition as provided for in this schedule; but such handker- chiefs or mufflers shall not pay a less rate of duty than fifty per centum ad valorem; if such handkerchiefs or mufflers are hemstitched or imitation hem- stitched, or revered or have drawn threads, or are embroid- ered in any manner, whether with an initial letter, monogram, or otherwise, by hand or machin- ery, or are tamboured, appliqued, or are made or trimmed wholly or in part with lace, or with tucking or insertion, they shall pay a duty of ten per centum ad valorem in addition to the duty hereinbefore prescribed, and in no case less than sixty per centum ad va- lorem.....			
		<i>Per cent.</i>	<i>Per cent.</i>	
		As in No. 388.		
5	389. Bandings, including hat bands, beltings, bindings, bone casings, braces, cords, cords and tassels, garters, gorings, suspenders, tubings, and webs and webbings, composed wholly or in part of silk, and whether composed in part of india rubber or other- wise, if not embroidered in any manner by hand or machinery, fifty per centum ad valorem	50	47½	
5	390. Laces, and articles made wholly or in part of lace, edgings, insert- ings, galloons, chiffon or other flouncings, nets or nettings and			

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>				
5	390. Laces, etc.—Continued. veilings, neck ruffings, ruchings, braids, fringes, trimmings, em- broideries and articles embroid- ered by hand or machinery, or tamboured or appliqued, cloth- ing ready made, and articles of wearing apparel of every descrip- tion, including knit goods, made up or manufactured in whole or in part by the tailor, seamstress, or manufacturer; all of the above- named articles made of silk, or of which silk is the component ma- terial of chief value, not specially provided for in this act, and silk goods ornamented with beads or spangles, of whatever material composed, sixty per centum ad valorem: <i>Provided, That any</i> <i>wearing apparel or other articles</i> <i>provided for in this paragraph</i> <i>(except gloves), when composed</i> <i>in part of india rubber, shall be</i> <i>subject to a duty of sixty per</i> <i>centum ad valorem</i>			
		<i>Per cent.</i>	<i>Per cent.</i>	
		60	57	
5	391. All manufactures of silk, or of which silk is the component ma- terial of chief value, including such as have india rubber as a component material, not spe- cially provided for in this act, and all Jacquard figured goods in the piece, made on looms, of which silk is the component ma- terial of chief value, dyed in the yarn, and containing two or more colors in the filling, fifty per centum ad valorem: <i>Provided,</i>			

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>				
5	391. All manufactures of silk, etc.—C't'd. That all manufactures of which wool is a component material shall be classified and assessed for duty as manufactures of wool.	<i>Per cent.</i> 50	<i>Per cent.</i> 47½	
	392. In ascertaining the weight of silk under the provisions of this schedule, the weight shall be taken in the condition in which found in the goods, without de- duction therefrom for any dye, coloring matter, or other foreign substance or material.			
10	397. Papers commonly known as copy- ing paper, to the ream of four hundred and eighty sheets, on a basis of twenty by thirty inches, and whether in reams or any other form, six cents per pound and fifteen per centum ad valorem	34.77	32.30	
	If weighing over six pounds and not over ten pounds to the ream, and letter copying books, whether wholly or partly manu- factured, five cents per pound and fifteen per centum ad valorem...	43.29	38.96	
	And filtering paper, five cents per pound and fifteen per centum ad valorem	40	36	
10	398. Surface-coated papers not specially provided for in this act, two and one-half cents per pound and fif- teen per centum ad valorem.....	42.21	37.99	
	If printed, or wholly or partly cov- ered with metal or its solutions, or with gelatin or flock, three cents per pound and twenty per centum ad valorem.....	37.40	33.66	

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>		<i>Per cent.</i>	<i>Per cent.</i>	
10	398. Parchment papers, two cents per pound and ten per centum ad valorem	37.78	34	
	Plain basic photographic papers for albumenizing, sensitizing, or baryta coating, three cents per pound and ten per centum ad valorem	22.64	20.38	
	Albumenized or sensitized paper or paper otherwise surface coated for photographic purposes, thirty per centum ad valorem...	30	27	
10	399. Paper envelopes, plain, twenty per centum ad valorem	20	18	
	If bordered, embossed, print- ed, tinted, or decorated, thir- ty-five per centum ad valo- rem	35	31½	
10	401. Paper, letter, hand-made— Weighing not less than ten pounds and not more than fifteen pounds to the ream, two cents per pound and ten per centum ad valorem..	24.32	21.89	
	Weighing more than fifteen pounds to the ream, three and one-half cents per pound and fifteen per centum ad valorem	33.70	30.33	
	But if any such paper is ruled, bordered, embossed, print- ed, or decorated in any man- ner, it shall pay ten per centum ad valorem in addi- tion to the foregoing rates ..	49.70	44.73	
	<i>Provided, That in computing the duty on such paper every one hundred and eighty thousand square inches shall be taken to be a ream.</i>			

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>		<i>Per cent.</i>	<i>Per cent.</i>	
10	403. Blank books, not specially pro- vided for in this act, twenty-five per centum ad valorem.....	25	22½	
10	404. Photograph, autograph, and scrap albums, wholly or partly manu- factured, thirty-five per centum ad valorem	35	31½	
10	407. Manufactures of paper, or of which paper is the component material of chief value, not specially pro- vided for in this act, thirty-five per centum ad valorem.....	35	31½	
10	408. Beads of all kinds, not threaded or strung, thirty-five per centum ad valorem; fabrics, nets or net- tings, laces, embroideries, gal- loons, wearing apparel, orna- ments, trimmings, and other articles not specially provided for in this act, composed wholly or in part of beads or spangles made of glass or paste, gelatin, metal, or other material, but not composed in part of wool, sixty per centum ad valorem (jewelry only).....	60	54	
10	409. Braids, plaits, laces, and willow sheets or squares: Composed wholly of straw, chip, grass, palm leaf, wil- low, osier, or rattan, suit- able for making or ornament- ing hats, bonnets, or hoods, not bleached, dyed, colored or stained, fifteen per cen- tum ad valorem.....	15	13½	

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>				
10	409. Braids, plaits, etc.—Continued. If bleached, dyed, colored or stained, twenty per centum ad valorem Hats, bonnets, and hoods, com- posed of straw, chip, grass, palm leaf, willow, osier, or rattan, whether wholly or partly manufactured, but not trimmed, thirty-five per centum ad valorem If trimmed, fifty per centum ad valorem But the terms "grass" and "straw" shall be understood to mean these substances in their natural form and structure, and not the sepa- rated fiber thereof.	<i>Per cent.</i> 20 — 35 50	<i>Per cent.</i> 18 31½ 45	
10	410. Brushes, brooms and feather dus- ters of all kinds, and hair pen- cils in quills or otherwise, forty per centum ad valorem..	40	36	
10	412. Trouser buckles made wholly or partly of iron or steel, or parts thereof: Valued at not more than fifteen cents per hundred, five cents per hundred Valued at more than fifteen cents per hundred, and not more than fifty cents per hundred, ten cents per hun- dred..... Valued at more than fifty cents per hundred, fifteen cents per hundred	70.66 56.71 57.50	66.60 50.14 51.75	

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>				
10	412. Trouser buckles made wholly or partly of iron or steel, or parts thereof—Continued. And in addition thereto on each and all of the above buckles or parts of buckles, fifteen per centum ad valo- rem.			
5	414. Buttons or parts of buttons and button molds or blanks, finished or unfinished, shall pay duty at the following rates, the line button measure being one-for- tieth of one inch, namely: Buttons known commercially as agate buttons, metal trousers buttons (except steel), and nickel bar but- tons, one-twelfth of one cent per line per gross Buttons of bone, and steel trousers buttons, one-fourth of one cent per line per gross. Buttons of pearl or shell, one and one-half cents per line per gross Buttons of horn, vegetable ivory, glass, or metal, not specially provided for in this act, three-fourths of one cent per line per gross... And in addition thereto, on all the foregoing articles in this paragraph, fifteen per cen- tum ad valorem.	<i>Per cent.</i> 67.56 43.04 72 50.23 72.85 62.58 85.14 34.52 37.20	<i>Per cent.</i> 64.08 40.89 70.30 47.73 69.21 59.45 80.88 32.80 35.39	

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>				
5	414. Buttons or parts of buttons and button molds, etc.—Continued. Shoe buttons made of paper, board, papiermâché, pulp, or other similar material, not specially provided for in this act, valued at not ex- ceeding three cents per gross, one cent per gross	<i>Per cent.</i> 44.16	<i>Per cent.</i> 41.95	
	Buttons not specially pro- vided for in this act, and all collar or cuff buttons and studs, fifty per centum ad valorem	50	47½	
10	417. Dice, draughts, chessmen, chess balls, and billiard, pool, and bag- atelle balls, of ivory, bone, or other material, fifty per centum ad valorem	50	45	
20	418. Dolls, doll heads, toy marbles of whatever materials composed, and all other toys not composed of rubber, china, porcelain, pa- rian, bisque, earthen or stone ware, and not specially provided for in this act, thirty-five per centum ad valorem	35	28	
20, § 1	425. Feathers and downs of all kinds, including bird skins or parts thereof with the feathers on: Crude or not dressed, colored, or otherwise advanced or manufactured in any man- ner, not specially provided for in this act, fifteen per centum ad valorem	15	12	

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>				
5, § 2	425. Feathers and downs, etc.—Cont'd. When dressed, colored, or oth- erwise advanced or manu- factured in any manner, in- cluding quilts of down and other manufactures of down, and also dressed and finished birds suitable for millinery ornaments, and artificial or * ornamental feathers, fruits, grains, leaves, flowers, and stems or parts thereof, of whatever material composed, not specially provided for in this act, fifty per centum ad valorem	<i>Per cent.</i> 50	<i>Per cent.</i> 47½	
20	426. Furs not on the skin, prepared for hatters' use, twenty per centum ad valorem	20	16	
10	427. Fans of all kinds, except common palm-leaf fans, fifty per centum ad valorem	50	45	
10	432. Hats, bonnets, or hoods, for men's, women's, boys', or children's wear, trimmed or untrimmed, including bodies, hoods, pla- teaux, forms, or shapes, for hats or bonnets, composed wholly or in chief value of fur of the rab- bit, beaver, or other animals, valued at not more than five dol- lars per dozen, two dollars per dozen	189. 19	170. 27	
	Valued at more than five dol- lars per dozen and not more than ten dollars per dozen, three dollars per dozen	54. 19	48. 77	

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>				
10	432. Hats, bonnets, etc.—Continued. Valued at more than ten dol- lars per dozen and not more than twenty dollars per doz- en, five dollars per dozen.... Valued at more than twenty dollars per dozen, seven dol- lars per dozen And in addition thereto on all the foregoing, twenty per centum valorem.	<i>Per cent.</i> 54.04 49.49	<i>Per cent.</i> 48.64 44.55	
5	434. Articles commonly known as jew- elry, and parts thereof, finished or unfinished, not specially pro- vided for in this act, including precious stones set, pearls set or strung, and cameos in frames, sixty per centum ad valorem....	60	57	
10	441. Women's or children's "glace" finish, lamb or sheep: Not over fourteen inches in length, two dollars and fifty cents per dozen pairs..... Over fourteen and not over seventeen inches in length, three dollars and fifty cents per dozen pairs..... Over seventeen inches in length, four dollars and fifty cents per dozen pairs..... Men's "glace" finish, lamb or sheep, four dollars per dozen pairs	55.64 54.32 34.96 68.04	50.08 48.89 31.47 61.24	
10	442. Women's or children's "glace" finish, goat, kid, or other leather than of sheep origin: Not over fourteen inches in length, three dollars per dozen pairs	49.54	44.59	

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>				
10	442. Women's or children's "glace" finish, goat, kid, or other leather than of sheep origin—Continued. Over fourteen and not over seventeen inches in length, three dollars and seventy- five cents per dozen pairs.... Over seventeen inches in length, four dollars and sev- enty-five cents per dozen pairs Men's "glace" finish, kid, goat, or other leather than of sheep origin, four dollars per dozen pairs	<i>Per cent.</i> 41.51 32.64 54.44	<i>Per cent.</i> 37.36 29.38 49	
10	443. Women's or children's, of sheep origin, with exterior grain sur- face removed, by whatever name known: Not over seventeen inches in length, two dollars and fifty cents per dozen pairs Over seventeen inches in length, three dollars and fifty cents per dozen pairs Men's, of sheep origin, with exterior surface removed, by whatever name known, four dollars per dozen pairs.....	54.32 33.75 76.82	48.89 30.38 69.14	
10	444. Women's or children's kid, goat, or other leather than of sheep origin, with exterior grain sur- face removed, by whatever name known: Not over fourteen inches in length, three dollars per dozen pairs.....	50.87	45.79	

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>				
10	444. Women's or children's kid, goat, or other leather than of sheep origin, etc.—Continued. Over fourteen inches and not over seventeen inches in length, three dollars and seventy-five cents per dozen pairs Over seventeen inches in length, four dollars and seventy-five cents per dozen pairs Men's, goat, kid, or other leather than of sheep origin, with exterior grain surface removed, by whatever name known, four dollars per dozen pairs	<i>Per cent.</i> 43.86 31.13 37 64	<i>Per cent.</i> 39.48 28.02 33.88	
10	445. In addition to the foregoing rates there shall be paid the following cumulative duties: On all leather gloves, when lined, one dollar per dozen pairs; on all pique or prix seam gloves, forty cents per dozen pairs; on all gloves stitched or embroidered, with more than three single strands or cords, forty cents per dozen pairs.	Additional to above.		
15	448. Manufactures of amber, or of which amber is the component material of chief value not specially pro- vided for in this act, twenty-five per centum ad valorem	25	21½	

Sections from the United States tariff of July 24, 1897, as modified by the pending French treaty—Continued.

Conces- sion.	Sections of the tariff law in which re- duction of duty will be made by the French treaty.	Average ad valorem duty collected in fiscal year 1898.		Remarks.
		Under Dingley law.	As under proposed reci- procity.	
<i>Per cent.</i>				
15	449. Manufactures of bone, or of which bone is the material component of chief value not specially pro- vided for in this act, thirty per centum ad valorem.....	<i>Per cent.</i> 30	<i>Per cent.</i> 25½	
15	450. Manufactures of ivory, vegetable ivory, mother-of-pearl and shell, or of which these substances or either of them not specially pro- vided for in this act, and shells engraved, cut, ornamented, or otherwise manufactured, thirty- five per centum ad valorem.....	35	29½	
15	453. Musical instruments or parts thereof, pianoforte actions and parts thereof, strings for musical instruments not otherwise enu- merated, cases for musical in- struments, pitch pipes, tuning forks, tuning hammers, and met- ronomes; strings for musical in- struments, composed wholly or in part of steel or other metal, all the foregoing, forty-five per centum ad valorem	45	38½	
15	459. Pipes and smokers' articles, of meerschaum only	60	51	

COMPARISON OF THE ACTUAL CONCESSIONS GRANTED BY THE UNITED STATES AND BY FRANCE UNDER THE PROVISIONS OF THE PENDING TREATY, BASED UPON UNITED STATES STATISTICS OF IMPORTS AND EXPORTS FOR THE FISCAL YEAR 1898, THE EXPORTS BEING THOSE OF DOMESTIC ORIGIN ONLY.

[Prepared especially for the Committee on Foreign Relations of the United States Senate, January 29, 1900, by Jos. S. McCoy, Government actuary.]

Statement of United States imports from France of concessional articles, with amounts of revenue to be conceded on the articles.

[Based on the imports of the fiscal year 1898, United States statistics.]

Per-centage of duty con-ceded.	Articles.	Tariff-act number.	Value imported.	Duty col-lected.	Conces-sion.
<i>Per ct.</i>					
5	Silk goods: All of Schedule L...	384 to 391, inclusive.	\$10,842,946	\$5,770,559	\$288,527
20	Cotton goods:				
	Hosiery and knit goods.....	317, 318, 319.....	241,278	108,575	21,715
	Suspenders, passementerie.	320.....			
	Cotton fabrics mixed with silk.	311.....			
5	Plush and velvet.....	315.....	8,195,768	1,423,544	71,176
	Ready-made clothing.....	314.....			
	Laces.....	339.....			
	Articles of flax and hemp:				
	Woven fabrics.....	346.....			
10	Laces, embroidery trim-mings.	339.....	402,204	201,102	20,110
	Linen goods, ready-made...	338, 345.....			
10	Leather and skins: Gloves, excepting those known as schmaschen.	440 to 445 inclusive.	1,462,748	731,374	73,137
	Articles of Paris (fancy goods):				
10	Imitation jewelry.....	193, 408.....			
5	Jewelry.....	434.....	908,807	545,284	27,264
5	Buttons.....	414.....	123,370	61,685	3,084
10	Brushes.....	410.....	476,433	190,573	19,057
10	Dice, chessmen, etc.....	417.....	18,905	9,452	945
20	Toys and playthings.....	418.....	92,733	32,457	6,491
10	Fans.....	427.....	74,385	37,192	3,719
15	Articles of amber, bone, ivory, mother-of-pearl, shell, meerscham.	448, 449, 450, 459.....	137,268	52,876	7,931
10	Buckles.....	412.....	Elsewhere.		
10	Articles of food:				
	Prepared or preserved veg-etables, pease, etc., in-cluding mushrooms.	241.....	349,337	105,273	10,527
10	Fruits preserved in sugar or spirits.	263.....	821,278	144,570	14,457
5	Chicory, roasted or ground.	280.....	None.		
10	Macaroni, vermicelli, and all similar preparations.	229.....	56,853	17,055	1,705
20	Nuts.....	272.....	497,805	124,451	24,890
10	Prunes.....	264.....	13,927	2,088	209
15	Olive oil.....	40.....	412,813	164,925	24,738
	Chemicals:				
10	Colors and varnishes.....	44 to 59, inclusive...	127,590	25,518	2,552
20	Coal-tar dyes or colors.....	15.....	49,838	14,951	2,990
10	Glycerin.....	24.....	451,467	133,097	13,310
10	Glue.....	23.....	200,517	50,129	5,013
10	Potash.....	62 to 66 inclusive...	98,828	40,044	4,004
10	Soda.....	73 to 80 inclusive...			

¹ Only chlorate imported.

Statement of United States imports from France of concessional articles, with amounts of revenue to be conceded on the articles—Continued.

[Based on the imports of the fiscal year 1898, United States statistics.]

Per-centage of duty con-ceded.	Articles.	Tariff-act number.	Value imported.	Duty col-lected.	Conces-sions.
<i>Per ct.</i>					
10	Medicinal preparations.....	67, 68.....	\$128, 592	\$32, 148	\$3, 215
10	Perfumery prepared with or without alcohol.....	2, 70.....	367, 841	183, 920	12, 859
10	Soaps, including perfumed soaps.....	72.....	108, 077	21, 615	2, 161
10	Ultramarine blue.....	52.....			
10	Earthen and glass ware:				
	Bricks and tiles, varnished, enameled, or ornamented.....	88, 92, 3.....	(¹)		
15	Bottles.....	99.....	106, 829	42, 531	6, 880
5	Glass decanters and other glass vessels.....	100.....	In above.		
10	Window glass and other glass.....	101 to 105, inclusive.....	17, 624	13, 000	1, 300
10	Spectacles and glasses for spectacles.....	108 to 110, inclusive.....	188, 969	89, 760	8, 946
10	Opera glasses, lenses, etc....	111.....	Elsewhere.		
10	Metal work:				
	Cutlery.....	153, 155.....	16, 513	8, 256	825
15	Watchmakers' articles, clocks.....		214, 465	85, 786	12, 868
15	Nails, spikes, points, needles.....	160 to 165, inclusive.....	10, 571	2, 112	316
10	Metallic pens.....	186.....			
10	Penholders.....	187.....			
10	Other goods and wares composed wholly or in part of manufactured metal not specially provided for in the act.....	193.....	499, 126	224, 606	22, 460
5	Gallion, braid, embroidery, and other articles made wholly or partly of tinsel wire, bullions, or metal threads.....	179.....	Included above		
10	Paper:				
	Copying, filtering, blotting, and surface-coated paper, or paper covered with metal or its solutions, parchment, sensitized paper for photographic purposes.....	397, 398.....	123, 212	44, 874	4, 487
	Letter paper, handmade.....	401.....			
	Envelopes.....	399.....			
	Blank books.....	403.....			
	Albums.....	404.....			
	Articles of paper.....	407.....			
5	Feathers, etc., dressed for ornament, etc., and artificial flowers.....	425, 82.....	2, 049, 392	1, 024, 691	51, 230
10	Wood and wooden furniture.....	208.....	203, 347	71, 171	7, 117
20	Plants and seeds.....	251, 252, 254.....	213, 916	74, 130	14, 826
10	Straw hats.....	409.....	82, 267	20, 567	2, 057
10	Braids, of straw or grass, etc., especially for making or ornamenting hats.....	409.....	57, 828	11, 565	1, 156
10	Cement.....	89.....	18, 846	3, 769	347
20	Furs not on the skin, for hats.....	426.....	None reported.		
10	Hats, including felt hats.....	370, 432.....			
15	Musical instruments.....	453.....	87, 821	39, 520	5, 928
20	Feathers, not dressed.....	425, sec. 1.....	296, 800	44, 520	8, 904
20	Mineral waters.....	301.....	51, 816	20, 726	4, 145
10	Liqueurs.....	392.....	100, 000	90, 000	9, 000
	Total.....		25, 504, 441	12, 136, 041	826, 138

¹ No returns; less than \$30,000 from world.

Statement of United States exports to France of concessional articles, with amounts of duty collected and revenue to be conceded by France.

[Based upon the exports for the fiscal year 1898, United States statistics.]

Articles.	Value imported.	Duty collected.	Concession.
Agricultural implements.....	\$1,252,167	\$187,825	\$75,130
Art works.....	35,408	3,541	708
Asbestos, and manufactures.....	11,738	4,108	1,191
Asphalt, and manufactures.....	133	100	17
Babbitt metal.....	1,155	100	10
Bark, etc., for tanning.....	27,381	4,564	1,521
Blacking.....	12,622	7,068	1,414
Books, maps, engravings, etchings, etc.....	30,454	24,363	4,873
Brass, and manufactures.....	55,827	5,583	1,284
Preparations of breadstuffs.....	2,259	949	158
Brooms and brushes.....	1,324	464	130
Oars:			
For railways.....	23,821	7,940	1,588
For tramways.....	9,820	1,178	236
Cycles and parts.....	482,680	62,750	7,844
Carriages, etc., all other.....	37,390	4,113	685
Celluloid, manufactures.....	3,034	820	175
Charcoal.....	25	15	5
Acids.....	20	6	3
Sulphate of copper.....	8,506	985	247
Dyes and dye stuffs.....	3,513	878	439
Lime acetate.....	2,755	689	172
Medicines, proprietary.....	2,080	416	208
Roots, herbs, etc.....	6,910	691	138
Chemicals, all other.....	32,328	8,082	1,616
Cider.....	69	2	1
Clay.....	4,150	40	15
Clocks.....	10,453	1,045	312
Watches.....	766	76	40
Copper manufactures.....	1,256	125	35
Cotton:			
Cloths, colored.....	3,003	2,102	526
Cloths, uncolored.....	5,875	2,700	540
Wearing apparel.....	1,659	747	187
All other manufactures.....	2,819	1,270	318
Dental goods.....	7,369	1,842	368
Earthen and stone ware.....	3,809	1,269	317
Emory.....	3,228	1,076	538
Emory wheels.....	7,079	2,359	944
Fiber:			
Bags.....	77,564	48,250	16,083
Cordage.....	100	35	12
Twine.....	4,333	2,166	541
All other.....	203	40	10
Fish:			
Mackerel.....	30	5	1
Salmon, canned.....	1,236	185	31
Salmon, other.....	150	23	4
Canned, other.....	214	27	5
Caviar.....	352	52	9
Oysters.....	251	25	13
Other shellfish.....	6,689	669	167
All other.....	3,167	317	80
Prunes.....	258,811		
Raisins.....	420	140	56
Other fruits.....	288,286		
Fruits:			
Preserved.....	4,998	1,000	200
Canned.....	689	460	92
Furniture of metal.....	17	3	1
Glassware.....	8,522	2,130	710
Glue.....	2,242	65	13
Cartridges.....	12,063	2,011	128
Hair manufactures.....	80,723	2,050	683
Household goods.....	27,058	1,893	316
Nuts.....	4	2	2
India rubber:			
Boots and shoes.....	13,625	2,725	908
Other manufactures.....	43,774	8,755	2,918
Inks:			
Printers'.....	380	60	12
Other.....	150	24	5
Telegraphic, telephonic, and other electric apparatus.....	26,150	3,716	929
Iron, bar.....	525	246	25
Steel:			
Bar.....	5,845	3,300	471
Rails.....	9,396	4,970	710
Wire rods.....	18,090	14,700	1,470
Sheets.....	176	123	24

Statement of United States exports to France of concessional articles, with amounts of duty collected and revenue to be conceded by France—Continued.

[Based upon the exports for the fiscal year 1898, United States statistics.]

Articles.	Value imported.	Duty collected.	Concession.
Steel and iron, structural.....	\$850	\$595	\$149
Steel:			
Wire.....	2,508	836	105
Car wheels.....	19,842	7,937	2,646
Castings, n. e. s.....	35,184	10,555	3,518
Cutlery:			
Table.....	1,906	400	100
Other.....	2,792	586	162
Firearms.....	18,467	12,004	3,001
Locks, hinges, etc.....	107,698	18,462	3,365
Machinery:			
Printing.....	27,422	2,742	685
Electrical.....	49,201	8,200	2,050
Pumps and pumping machinery.....	74,764	14,953	4,984
Machines, sewing.....	102,809	20,562	6,169
Stationary engines.....	10,391	1,870	623
Boilers, etc.....	4,680	1,076	269
Typewriters.....	94,608	18,922	4,730
Machines, all other.....	401,263	80,253	20,063
Nails and spikes.....	744	372	175
Pipes and fillings.....	22,975	11,488	2,872
Saws.....	41	8	2
Scales and balances.....	556	111	28
Stoves, etc., and parts.....	292	58	15
Tools, n. e. s.....	10,970	2,742	548
Iron and steel manufactures, n. e. s.....	73,612	14,722	2,944
Jewelry.....	55,715	11,143	2,786
Other gold and silver, manufactures.....	5,891	295	148
Lamps, etc.....	21,057	1,055	528
Type, etc.....	6,432	6,432	1,608
Saddlery.....	250	8	1
Malt.....	1,790	358	.....
Beer.....	3,713	825	.....
Marble, unmanufactured.....	169	17	4
Marble, etc., manufactured.....	5,436	3,624	906
Seaweed.....	27,920	18,612	4,653
Musical instruments:	122	15	4
Organs.....	4,898	4,310	1,510
Pianos.....	4,850	200	25
Other.....	75	60	12
Notions.....	2,695	1,400	350
Plants, nursery.....	584	117	47
Oilcloths:			
Floor.....	829	276	46
Other.....	3,248	1,083	180
Whale oil.....	3,288	469	67
Oil:			
Peppermint.....	14,487	1,178	589
Other volatile.....	22,710	3,407	1,703
Paints, etc., black.....	20,799	1,040	208
Paints, other.....	22,467	4,493	2,247
Paper:			
Hangings.....	3,406	700	175
Printing.....	6,067	1,213	303
Writing.....	1,763	441	110
Other.....	20,300	4,060	1,015
Paraffin.....	120,756	85,004	12,146
Perfumery, etc.....	2,705	541	108
Photographic material.....	258	52	13
Plated ware.....	5,342	534	178
Meats: Beef, salt.....	17,911	8,830	883
Oleo.....	38,888	20,769	6,230
Other meat products.....	64,234	32,127	3,213
Milk.....	10	4	2
Silk:			
Manufactured.....	1,982	297	59
Waste.....	3,379	507	101
Soap:			
Toilet.....	1,371	137	46
Other.....	1,572	314	63
Spermaceti.....	5,376	538	90
Alcohol:			
Wood.....	3,965	825	247
Other.....	26,112	7,447	1,638
Spirits.....	2,972	502	63
Sponges.....	250	29	6
Starch.....	5,884	5,813	1,105
Stationery (except paper).....	16,473	11,531	3,344

Statement of United States exports to France of concessional articles, with amounts of duty collected and revenue to be conceded by France—Continued.

[Based upon the exports for the fiscal year 1898, United States statistics.]

Articles.	Value imported.	Duty collected.	Concession.
Straw, manufactured	\$1, 152	\$115	\$38
Sirups	33	16	1
Candy, etc.	283	142	10
Artificial teeth	20, 985	10, 499	1, 499
Tin, manufactured	532	53	13
Toys	676	102	34
Trunks, etc.	95	24	5
Varnish	29, 839	9, 946	2, 481
Vegetables, preserved	2, 507	627	126
Vulcanized fiber	5, 911	1, 182	394
Wax, bees and shoemakers'	1, 255	125	42
Wines:			
In bottles	650	325	135
Other	454	364	150
Woods:			
Shooks, headings, etc.	58, 804	5, 880	1, 470
Manufactures of furniture	234, 447	29, 306	7, 326
Other	72, 524	14, 505	8, 626
Pulp	34, 415	5, 160	1, 720
Wool:			
Carpets	500	125	25
Other manufactures	772	193	48
Miscellaneous, n. e. s.	4, 212	842	169
Total	5, 239, 027	988, 665	257, 735

On foregoing articles:	Per cent.
Average duty, ad valorem, now collected by France	18.9
Average of concessions, ad valorem	4.9
Average of duty as provided by treaty, ad valorem	14
Average of percentage of reduction of duty by France	26.1

Concession of French duty now temporarily granted and perpetuated by the treaty.

Article.	Value imported.	Duty to be collected.	Concession of duty.
Cotton-seed oil	\$3, 617, 133	\$1, 140, 000	\$570, 000
Petroleum:			
Crude	3, 221, 437	6, 442, 874	3, 221, 437
Refined	458, 436	641, 986	320, 993
Lubricating, heavy, etc.	674, 852	195, 237	146, 450
Total	7, 971, 858	8, 420, 127	4, 258, 880
Add from above	5, 239, 027	988, 665	257, 735
Grand total	13, 210, 885	9, 408, 792	4, 516, 615

On foregoing list of articles (including oils):	Per cent.
Average maximum French duties, ad valorem	71.2
Average of concessions, ad valorem	34.2
Average of French duties proposed under treaty, ad valorem	37
Average percentage of French reduction of duty by France	48
On the foregoing articles imported from France:	
Average rate of duty, ad valorem, now charged by United States	47.6
Average of concessions, ad valorem	3.2
Average rate of duty, ad valorem, as proposed by treaty	44
Average percentage of United States reduction of duty	6.8

STATEMENTS AND LETTERS FAVORING RATIFICATION.

STATEMENT MADE ON WEDNESDAY, JANUARY 10, 1900, BY HON. JOHN A. KASSON, SPECIAL COMMISSIONER PLENIPOTENTIARY OF THE UNITED STATES TO NEGOTIATE CONVENTIONS WITH FOREIGN NATIONS UNDER THE THIRD AND FOURTH SECTIONS OF "AN ACT TO PROVIDE REVENUE FOR THE GOVERNMENT AND TO ENCOURAGE THE INDUSTRIES OF THE UNITED STATES," APPROVED JULY 24, 1897, TO THE COMMITTEE ON FOREIGN RELATIONS OF THE UNITED STATES SENATE.

After the passage of the Dingley bill the State Department sent copies of it to our various legations and embassies abroad for communication to the various governments to which they were accredited. No more than this had been done at the time the President charged me with the duty of negotiating these conventions, and these foreign governments seemed to have given no attention to it.

The condition of commercial feeling in Europe, as I found very soon after undertaking these duties, was exceedingly hostile to the United States. The Dingley bill had produced an effect all over the continent of Europe of exasperation throughout the commercial world, and among the governments as well, to such an extent that one high officer—the premier of the Austro-Hungarian Government—had openly proposed a union of official action against the United States commerce as their only means of protecting their own commercial interests. In that state of feeling, at first, there seemed no disposition anywhere on the continent of Europe or in the governments of South America to take any steps under the reciprocity clauses of the bill.

The first movement was a tentative movement by the British for their colonies, which, however, I will speak of when your committee comes to those colonial treaties.

Then the French, who have a different tariff system from the rest of Europe, concluded to open a negotiation, and Mr. Patenôtre came to me with a proposition for the whole 20 per cent reduction provided by the fourth section of the tariff bill in exchange for the whole minimum tariff of France on our goods. I went over the figures with the representative of the Treasury Department and found that I could not entertain that proposition in its length and breadth, and after serious discussion that negotiation was suspended—halted at least, and continued halting until a change in the embassy was made, and Mr. Cambon came here as ambassador. Then it was again taken up on the

basis which I suggested of a moderate reduction along the line of specific French articles in exchange for their grant of the minimum tariff.

Here I ought to say to you who may not have looked into the matter that the French tariff system is peculiar. It is the only country which has such a one; and it has certain advantages which deserve the consideration of our legislative authorities at the proper time. They have a general tariff which applies to all the world, and is, as a rule, highly protective. They have another scale, called the "minimum tariff," varying from 15 per cent to as much as 100 per cent reduction below the general tariff, and according to articles. On certain articles the tariffs are identical; and they also have a free list. Their free list embraces, especially of our interests, raw cotton and tobacco, the latter of which is a Government monopoly, and the raw cotton is introduced free because it is a very important element of their manufacturing industries.

As I said, a few articles are identical as to the general and the minimum tariffs, but on manufactured articles there is usually a very marked difference in the two rates. They give their minimum rate to other nations for a consideration only. This system has existed in France for many years, and in the course of these years Great Britain, Germany, Belgium, Russia—in fact, all the countries of Europe except Portugal, I believe—have acquired the minimum tariff, with the result that the imported manufactures of France have been chiefly supplied by the continental countries of Europe and by England. She imports a very large amount of manufactured goods—speaking generally, over \$100,000,000 in value. Great Britain, for example, supplies, taking the last reported year, \$43,000,000 to France, and Germany \$31,000,000 in round numbers, while we supplied only about \$350,000,000. That is to say, we have hardly entered with manufactured goods into the French market, being shut out by differential rates of duty. It is a market of 40,000,000 of people—the treaty covers Algiers also—and, in the main, the most intelligent consumers, and the most advanced in the works of civilization in Europe, as well as a people who pay for what they buy. Of course, those countries having the minimum rates of duties have supplied these vast millions of manufactures.

It was clear to me that here was an opening for the development of our commerce in comparison with which the commerce of semi-civilized peoples was of little consequence. Our people had written me that they could compete if they could only get in on the same terms. For example, a large chemical company of New York which manufactures sulphate of copper, which is used all over France on their vines, had written me that they could compete successfully with the manufacturers of other countries now supplying France, but that the difference of duties shut them off. I have letters from them which are very interesting, and I use the following to illustrate the condition of hundreds of our industries, affected by this difference of 20 to 40 or 50 per cent between the general and the minimum tariff. These letters are as follows:

47 CEDAR STREET,
New York, November 6, 1897.

HON. JOHN A. KASSON,
*Special Commissioner Plenipotentiary,
Department of State, Washington.*

DEAR SIR: We have your favor of the 5th instant, inquiring what we mean by the discriminating duty on American sulphate of copper imported into France and asking for some statistics.

We inclose a copy of our letter to Assistant Secretary Howell, dated August 19, which gives the statistical information which you desire.

In answer to your first question, we beg to say that the duty upon American sulphate of copper imported into France is 4 francs per 100 kilos gross weight, whereas the duty upon English sulphate of copper imported into France is 3 francs per 100 kilos, the difference being, as we understand it, the discriminating duty, owing to the French treaties and the favored-nation clause.

This article is becoming a more and more important article of export from this country, and France is the largest consuming country in Europe, and we trust that you will arrange to include it in any arrangement which may be made.

Respectfully, yours,

W. R. PETERS & Co.

The letter to Assistant Secretary Howell referred to above is as follows:

NEW YORK, November 6, 1897.

Assistant Secretary HOWELL,
United States Treasury, Washington, D. C.

DEAR SIR: We notice from the daily papers that a conference is about to take place with the French ambassador with relation to the reciprocity provisions of the Dingley tariff bill, as affecting trade between this country and France, and we desire to call your attention to two articles of special interest to us and entitled to consideration, viz: First, sulphate of copper; second, argols or crude tartar and wine lees.

The former is a growing article of export from this country, and is at present shipped abroad to the extent of about \$800,000 per annum and likely to increase.

France uses about 25,000 tons annually, valued at about \$1,750,000.

The French Government levies a duty of 4 francs per 100 kilos on American sulphate of copper, as against 3 francs on English, and the discrimination of 1 franc per 100 kilos practically prevents exports hence to France.

Argols or crude tartar and wine lees are produced in all wine countries, especially France, which produces probably 40 per cent of the total.

The United States imports these articles to the extent of about \$2,500,000 annually.

The Dingley tariff, Schedule A, paragraph 6, provides specific rates of duty, while the reciprocity provision of the tariff provides that these duties may be reduced to 5 per cent.

We request that both these articles may be included in any recommendations made by you, as both are of importance to the various manufacturers in this country.

Yours, truly,

BALTIMORE COPPER SMELTING AND ROLLING CO.
(BALTIMORE COPPER WORKS.)

(Office: Keyser Building, German and Calvert streets.)

BALTIMORE, June 3, 1898.

Hon. JOHN A. KASSON,
Reciprocity Commissioner, State Department, Washington, D. C.

SIR: We notice by the public prints the consummation of your efforts in establishing a commercial agreement between the United States and France, and congratulate you upon the successful issue of same.

We make free to inclose herewith copy of our letter to Secretary of Treasury, under date of August 31, 1897, which fully explains itself. Will you have the kindness to advise us whether the matter of sulphate of copper was considered? If so, was provision made for placing the United States on a competitive basis with England and other European countries? If not, is it probable, in your opinion, that this question may be considered by the French Government in the near future? It is a matter in which all American manufacturers of sulphate of copper are largely interested. They are kept out of the French market now absolutely because of the discriminating duty.

Respectfully,

JOS. CLENDENIN, *Secretary.*

The inclosure referred to in the above letter is as follows:

BALTIMORE, August 31, 1897.

Hon. LYMAN J. GAGE, *Secretary,*
United States Treasury Department, Washington, D. C.

SIR: In the matter of "reciprocal arrangements" under the new tariff we beg leave to ask your attention to the article of sulphate of copper.

Our company is one of five manufacturing this article (blue vitriol) in the United States. About one-half of the production finds a home market; balance is exported.

France is one of the largest consumers, it being used there, as well as in other continental countries, for protection of the vines from phylloxera. It is estimated that 20,000 tons are used in France annually. The statistics at hand show that France imported during first half of this year—

From Great Britain.....	Tons. 18,059
From the United States.....	10

This large trade is closed to United States competition by the discriminating French import duty in favor of England as against the United States of 1 franc per 100 kilos. As sulphate of copper is sold on so narrow a margin above cost, this discrimination is prohibitive. In Germany and in Italy, where there is no such discrimination, our producers have built up a large business in competition with English makers. We are also desirous to obtain a footing in France upon equal terms with the English product.

In thus shutting out the American article there is no advantage to the French Government, while the vine growers are deprived of the benefit of competition it would afford.

The consumption occurs in the spring and summer season, but the purchases by wholesale are made, in anticipation, during the fall and winter months, so that we are about entering upon the period in which contracts are made for the season of 1898.

We commend this subject to the attention of the Administration, and trust it may have as early consideration as the public interests will permit.

Very respectfully,

WM. KEYSER, *President.*

Mr. BACON. Will you mention some of the principal manufacturing industries which could put their articles in there—the principal ones? I do not want an exhaustive statement.

Mr. KASSON. I have a statement in that respect, which I will leave with the committee, which will show that there are several hundred articles. It was too long to put into the treaty; and besides, the all-embracing clauses, which leave out nothing, are better than specific clauses, by which future inventions and discoveries would be excluded.

I will say that every interest of the United States, except the 19 articles of the French tariff, which are named in the treaty, go in.

When we seemed to be near the point of disagreement I told the French negotiators that I saw no reason why we should take part in their Exposition of 1900 if they were to continue to shut out the products of our industries by exceptional duties, and I did not see any reason for our presenting our merchandise in the Exposition if we could not derive any benefit of sales from so doing. I suppose that had some effect on the French Government, because it was a plain truth.

I was saying that (addressing Senator Wolcott, who had just entered the room) owing to the maximum and minimum tariffs of France we have been shut out of the French market; that we only got in a little over \$3,500,000 against \$31,000,000 from Germany and \$43,000,000 from England, and that our people have been clamoring to get into this market, saying that they could compete in it with other nations if they could only get the equal chance.

Mr. FRYE. You might add that all the European countries and Great Britain have the advantage of their minimum tariff.

Mr. KASSON. Yes, sir; every country except Portugal has gained by concession from France the minimum tariff, which varies from 15 to 75 per cent below the general tariff. There is another point about these tariffs: they change with great facility their minimum tariff to maximum and from one rate to another where there are no treaty arrangements.

Mr. FRYE. How is that done? By law or by an order of the Government?

Mr. KASSON. By a resolution authorizing the Government to do so or by express act of Parliament. The Government gets anything through there very quickly which is in the direction of striking at the commerce of other countries or of protection of their own. I want to add that when Mr. Patenotre and myself had for the time being dropped the negotiations under the fourth section of the tariff act, they had found out our sensitiveness on the subject of cotton-seed oil, which was a growing article of commerce and a very important one to the South. France, under the existing rate, took more of it than any other country in Europe. They saw a chance to strike us on that point, and they introduced a bill in their assembly, and the committee favored it, increasing the present duty on cotton-seed oil 100 per cent.

The CHAIRMAN. What was the duty then?

Mr. KASSON. Six francs a hundred kilos then, I believe, and we had under it a growing trade with France.

Mr. BACON. Will you kindly give that in our measures?

Mr. KASSON. \$1.16 per 220 pounds weight, and they proposed to double it. They could bring in a general law, not especially stated to be aimed at American industries, but really doing so where we were really the only producers, or the chief ones. They went further in another direction, and more than doubled their duties on Chicago meat products very suddenly, and barred the market by lifting their maximum rates upon us, raising the minimum rate also. Chicago was badly alarmed, and wrote me about it, and I had to shut my eyes to their evident purpose to raise the duties and then lower them by a reciprocal convention, but I accepted the new minimum rates and so settled the question for the Chicago meat products, and obtained temporary security for the Southern cotton interests. This action pacified commercial fears for the present only, because it had also shown our weak position in the absence of conventional relations.

After the arrangement of May, 1898, we took up the fourth section of the tariff bill with M. Cambon, with the results now before you. That is the outline story of this negotiation, and I think it important that you should know the facility the French have for striking us, in order to appreciate the security we get by this treaty against such action, so that, whatever they do hereafter, they can not discriminate against us. We are to have the lowest rates, whatever the future French legislation or treaty may be. We are to get into their market with all but the excepted articles at the lowest rates granted to any nation, and that is all the American producers ask for. The concessions by the United States are limited to particular articles.

The CHAIRMAN. You limited the number by the specification of particular articles?

Mr. KASSON. Yes, sir.

Mr. FRYE. That may obviate the difficulties in regard to which some of these chemical and other people complain.

Mr. KASSON. I have a written statement which I will leave with you, which may cover some of these points as they arise. On tiles, bricks, and mosaics there have been some objections made by our people, but here is a letter, which I will read, from the Mosaic Tile Company, of Zanesville, Ohio, dated December 22, 1899, and addressed to Hon. M. A. Hanna, United States Senate. They say that there has been some

objection to the reduction on these articles, and then state that they beg to assure him on their own behalf, and "think that we can speak for our colleagues in the same line of manufacture, that we are prepared to take a broad view of such matters, and are willing to make our share of concessions for the general good, where it becomes necessary."

The CHAIRMAN. You give in this schedule the rate per cent of reduction as applicable to our tariff. Can you give us any list or statement as to the rate of reduction which the French minimum tariff will give us?

Mr. KASSON. Yes; but we will have to go to the French tariff for it. All that I can do at this moment is to show the range.

The CHAIRMAN. Where can we get such a statement—or have you a statement that will show us the range of reduction as shown by the French minimum?

Mr. KASSON. The percentage is shown in this French tariff. There [indicating in a book] is the United States equivalent for the francs (money), and the table shows the difference between the general (or maximum) and minimum tariffs.

The CHAIRMAN. What book is that?

Mr. KASSON. This is the Tariffs of Foreign Countries, and the French tariffs are comprised in pages 94 to 223, inclusive.

Mr. FRYE. Is there any difficulty about getting the list mentioned?

Mr. KASSON. They could be easily carried out from this book. They average, I should think, about 30 per cent.

Mr. CULLOM. Reduction?

Mr. KASSON. Yes, sir.

The CHAIRMAN. Could you have a schedule prepared for us which will show the reduction?

Mr. KASSON. Yes, sir; the list of articles covered by the treaty, and which I will give you, will show where we get the reduction, and the ratio can be added.

Mr. FRYE. The average reduction is about 30 per cent?

Mr. KASSON. I should say so, on manufactured articles. On crude petroleum, for instance, the minimum is 50 per cent of the maximum.

Mr. BACON. We get the same minimum that has already been given to other countries, except Portugal?

Mr. KASSON. Yes; or that shall be given hereafter.

Mr. WOLCOTT. Are we put upon a better footing than any other country of Europe?

Mr. KASSON. No; the same.

Mr. WOLCOTT. On the identical footing with the countries of Europe?

Mr. KASSON. Yes; the best footing given any other country. The treaty provides that we are to receive the lowest rates.

Mr. WOLCOTT. What other countries receive the same benefits.

Mr. KASSON. All in Europe, except Portugal.

Mr. WOLCOTT. Does the 3,000,000 to which you refer include petroleum?

Mr. KASSON. No, sir; only manufactured articles, as ordinarily understood. On petroleum she has voluntarily given us the same rates as to Russia. On that point I wish to say, as petroleum figures largely in making our balance of trade, especially crude petroleum, that the difference is 50 per cent on crude petroleum and 60 per cent, or near it, on the refined, of which we send a less amount. When she gave this lower rate to Russia she voluntarily extended it to the United

States, fearing, I suppose, a monopoly; but she can withdraw it, under present conditions, at any time she pleases, or modify it in favor of Russia.

Mr. WOLCOTT. That does not depend upon this treaty?

Mr. KASSON. Not at the present time, but if the treaty is ratified it will prevent any action against us in the future.

Mr. BACON. Does that include cotton-seed oil?

Mr. KASSON. I think the same may be said of cotton-seed oil. But I wish now to speak more particularly of manufactures. In silks I felt a peculiar interest and was particularly solicitous about them, owing largely to my connection with the subject when I was a member of the Committee on Ways and Means some years ago, and I have a gratifying letter from the secretary of the Silk Manufacturers' Association of America, which is as follows:

THE SILK ASSOCIATION OF AMERICA,
New York, December 20, 1899.

The Hon. JOHN A. KASSON,

Special Minister Plenipotentiary, Department of State, Washington, D. C.

HONORABLE AND DEAR SIR: Please accept my thanks for your enlightening favor of yesterday's date.

I am very much pleased to learn that the reduction is as I supposed, say, nineteen-twentieths of the present tariff rates. Naturally the American silk manufacturer could not be expected to favor any unnecessary break in the protective laws he is now working under, but the proposed concession to France is so slight that I do not believe there is any reason to fear opposition to the treaty on the part of the silk manufacturers generally.

Thanking you for your courtesy in the matter, I am,

Yours, very obliged,

- FRANKLIN ALLEN, *Secretary.*

I have read this letter to show that when people get their thinking caps on they appreciate that our concessions are not hard to our producers, and that they do see, on the other hand, the necessity of our utilizing the intention of the Dingley Act, which put high duties on goods, having in view the possibility and necessity of reducing them under the provisions of the fourth section of the act. There is no use in our concealing the fact that the reciprocity clause was a part of that tariff as much as the duties themselves, and effect must be given to it.

Mr. FRYE. That is, you mean to say that the Committee on Ways and Means, when they framed the tariff bill, intended that that reciprocity clause should be used, and therefore they imposed high duties with the idea that they should be reduced in this manner?

Mr. KASSON. Yes, sir; beyond a doubt. Perhaps I ought not to say so to you gentlemen who know best, but my understanding is that the two things were expressly made to go together, and I find my understanding confirmed in various quarters.

The CHAIRMAN. A manufacturer of perfumes called on me yesterday, very much scared about the effect of this treaty, and I told him that I would ask you about it.

Mr. KASSON. On perfumes a percentage is conceded which makes but a slight difference in the rate. For instance, as I explained to the silk men, say there is a duty of 50 per cent. A reduction of 5 per cent of the duty leaves the protection 47½ per cent; a reduction of 10 per cent leaves the duty 45 per cent. It is a difference not to be felt in prices, or in the amount of importations, but it is an amount felt in the French pocket; they are able to put that much more money into their pockets. A Senator sent me a communication from one pro-

prietor of an industry of which France is a comparatively small shipper, but the real competition in which comes to us from Germany, not from France. Germany sends us over 3,500,000 of that article, and France about 200 and odd thousand, and the reduction to France simply enables her to compete better with German and British consignments. But our people are not suffering, you will observe, by this lower rate to the country that sends us the smallest amount. The real competition is from the country that sends us the larger amount.

Mr. WOLCOTT. If it be a fact that this treaty will be followed by a similar treaty with Germany, is your argument effective that a 10 per cent reduction simply helps France compete with Germany, provided you hereafter help Germany to the same thing?

Mr. KASSON. If the same concession was applied to the same thing, competition would depend on the quality of the goods.

Mr. WOLCOTT. Your argument was that your reduction would simply enable France to compete with Germany. If this treaty is to be followed by a treaty with Germany under which a reduction will be made on brushes, how is France to compete with Germany on those articles?

Mr. KASSON. That is not a part of my argument, because such a possible treaty is only a matter of conjecture.

Mr. WOLCOTT. Is it not a fact that you are to negotiate a treaty with Germany also?

Mr. KASSON. I can not say as to that future possibility. If it comes, it is quite likely to follow other lines. The article to which I referred a moment ago was knit goods of cotton. I have here last year's report. We imported of cotton knit goods from Germany, \$3,616,000; from France, \$241,000; from the United Kingdom, \$116,000; so that you will observe the reduction can not give France the control of our market, as Germany has it so strongly under present conditions and is really controlling the foreign competition, as we import about fifteen times more from Germany than we do from France. These imports from France are not disturbing our market at all, because the real competition is elsewhere, and a change of supply from one country to the other would not trouble our home interest.

The CHAIRMAN. That holds good so long as Germany has no treaty?

Mr. KASSON. Yes, sir; and even in case of a German treaty we might give the reduction on something else more useful to her and to ourselves. You will observe that in this treaty nothing is given on woolen goods. I felt disinclined to disturb the relations established between wool and woolen goods by the act of 1897, and as long as the duty was so high on the raw materials we had to keep the duties on the manufactured goods to preserve the adjustment made between the raw wool and the manufactures.

Mr. LODGE. I should like to ask in regard to the duty on bricks and tiles. I have had several protests from the people at home in regard to those articles, especially ornamented.

Mr. KASSON. I do not think that I have any statistics here for bricks and tiles, though I did read a while ago one letter from a manufacturer who expressed his satisfaction in the matter. Mr. Hanna wrote to me, and I wrote to Mr. Hanna a letter, which he forwarded to them, and he received a letter in reply which I read. The French do not get the whole of those clauses, "Bricks and tiles, varnished,

enameled, or ornamented." You will observe they get of No. 87 in our tariff only paragraphs 2 and 4, not the whole of the section, and of section 88 they get only paragraphs 2 and 3.

Mr. LODGE. How does that appear?

Mr. KASSON. By the enumeration of the sections. You read the tariff title of the subject and then "as described in tariff No. 87, paragraphs 2 and 4," etc. It does not include paragraphs 1 and 3. There is no reduction on them.

Mr. LODGE. What does the reduction amount to?

Mr. KASSON. Only 10 per cent of the duty.

Mr. LODGE. What is the duty?

Mr. KASSON. Forty-five per cent. A duty of 40½ per cent remains.

Mr. LODGE. What is the reduction in the matter of spectacles and glasses?

Mr. KASSON. They get 10 per cent of the duty off. It so happens, from the wording, that slides for magic lanterns are not included.

Mr. BACON. What is the tariff on them now?

Mr. KASSON. From 50 per cent up.

Mr. WOLCOTT. Have you any table prepared showing just what the reductions are on the French goods in percentage, and have you any table of exportations and importations showing how much we contribute to France and how much France contributes to us?

Mr. KASSON. The balance of trade?

Mr. WOLCOTT. Yes, sir; and showing the reduction as to each item as to manufactured articles, and the reduction on each article of all kinds?

Mr. KASSON. It is all in the statistics to which I have referred. It was something I did not need to go into myself after the earlier estimates which fixed my rule of action. If I were making a tariff for this country I should want to go into details again after settling the rates, but my greater object was to open the markets of other countries to our producers, markets from which they have been shut out for so many years.

Mr. WOLCOTT. How are we to know whether the markets are open?

Mr. KASSON. By the unanimous testimony of American exporters. Do you desire to know the various amounts of French revenue reduction?

Mr. WOLCOTT. I am in the hands of the committee, of course, but I should like to know the amount.

The CHAIRMAN. Did I not understand that the average was 30 per cent?

Mr. KASSON. Yes, sir; by rough estimate only.

Mr. WOLCOTT. But it might be 90 per cent on one, and 3 per cent on another?

Mr. LODGE. This tariff shows exactly what we give, but the treaty does not show what we get in the reduction.

Mr. KASSON. No, sir; the reason for that is, for the purposes of the treaty it was quite unnecessary. The general and minimum tariffs of France is published officially to the world. For the information of the committee we can have the rate of reduction readily stated upon a list of exports.

Mr. LODGE. That is what we want. For instance, wools, carded or not, go in under the minimum tariff. What we want to know is, what we get in exchange.

Mr. WOLCOTT. For instance, how much less we get this year than last year.

Mr. KASSON. In our negotiations we took the trade of 1897 as a basis, because it was the last before we begun negotiations. The fiscal year 1898 was a larger year of export for us because of the want of bread-stuffs in France. On the actual trade of 1897 we would nominally concede by this treaty two or three times as much of revenues as the French would concede, but that is not the point; it is only a trifling thing, our present export of manufactures. It is the export of the future under minimum duties we are looking to, and the moment that you add these accretions you change entirely the aspect of the case.

Mr. WOLCOTT. What is the amount in difference in revenues between what we give and what we are conceded?

Mr. KASSON. I can not give the exact amount here. I did have the figures in connection with original basis, but the relations changed with changes in preparation. If you take actual trade to-day, we concede more. If you take as a French concession what they now give voluntarily and may revoke at any time, their concession is larger than ours.

The CHAIRMAN. Do you mean large in itself or relatively large?

Mr. KASSON. I speak of the relative concessions. The Secretary of the Treasury is not at all troubled over the absolute amount we concede. In our early estimates it approximated a million without allowing for increase of imports from France. I ought to say to you that what was done in this respect was done after consultation with the Treasury.

France has a high scale of duties on imports, which is called the "general tariff," and is applied to the products of all countries which have no special commercial convention with France. She has also a lower and special scale of duties called the "minimum tariff," which is granted to nations with whom she has made satisfactory commercial treaties.

This system has been in operation for many years, and gradually Great Britain, Germany, Russia, Austria—in fact all the countries of Europe except Portugal—have acquired the lower rates for their products. The United States exports, alone among great commercial nations, have continued subject to these higher "general tariff" rates. The result has been the exclusion of the greater part of the merchandise of American manufacture from the French market.

On a few of the imports into France there is no difference between the rates of the two tariffs. But on the great majority of articles the reduction upon the general rate ranges from, say, 15 to 75 per cent and even more. And since the passage of the Dingley tariff, French action has taken a direction distinctly hostile to our interests. On some important American articles the maximum rates were largely increased to an almost prohibitory point, especially on our Western meat products. Next, the committee of the French Chamber proposed to double the rate on cotton-seed oil. Extraordinary efforts on our part were made to prevent this, and the point was reached where it became a question of a single alternative—retaliation or a reciprocal convention.

The first approach to conciliation was the commercial agreement under the third section of the tariff act, signed under date of May 28,

1898. By this France conceded the minimum rates on canned meats, pork products, timber, lumber, fruits, etc., including the articles on which she had recently raised the maximum rates.

The threatened French movement against cotton-seed oil, by doubling the rate of the general tariff, was suspended by our negotiations. The suggestion of withdrawing the minimum rate from petroleum (which had been voluntarily granted to the United States at the time it was given by convention to Russia) was also suspended, and negotiations under the fourth section of the United States tariff act were resumed and reached their conclusion on the 24th of July last, after many intermediate failures to agree. The American negotiator thought it of little use for the United States to participate in the Paris Exposition of 1900 if their exports were to continue excluded from the French market by discriminations of duty, which practically left the French market open only to European manufactures.

I did not dare to forget, and I hope the committee will not forget, that we hold, without any security for its continuance, the same minimum rate on mineral oils which Russia has by treaty—hold it at the mere will of France. She may at any time throw us back on the maximum rate, which would transfer the entire trade to Russia. In her claims of concessions to us France did, in fact, enter this as a concession on her part, raising her concessions to us to about \$5,000,000. When you remember the intimate relations between Russia and France you will understand why we were obliged to consider this article.

The French Government began by demanding the full 20 per cent reduction allowed by the Dingley bill on all French exports to the United States in exchange for the grant of the French minimum rates on all United States exports. This was from the first declined by the American negotiator. He declined to make any concession on woolen goods, owing to our high duty on wool, and excluded from consideration many other articles on which he believed existing duties ought not to be lowered, confining as far as possible his concessions to articles peculiarly French, and limiting reductions in the great majority of cases to 5 and 10 per cent of existing rates. Thus, where United States duty was 50 per cent, it would remain at 47½ or 45 per cent as the case might be; and a similarly small reduction on specific duties. Even this reduction resulted in a larger amount of revenue concessions than that made by France, taking as a basis international trade of 1897. But this aggregate would be quickly changed and relative concessions reversed by including the single article of petroleum under the general French tariff, as that Government had the right to do at will. In fact, it was included in their estimate of the French concessions, which showed greater present concessions on their part than on ours.

It was my business, as negotiator, to say that we have that already, and that, therefore, it was no concession to us, but, nevertheless, they had it in their power to make their concessions several times what ours were, by simply shifting their rate from minimum to maximum on one or two articles. They had already done it without notice on certain Western meat products. The difference in the two rates on petroleum would amount on our exportation of 1899 to about \$4,500,000, which by itself is several times that of all the United States concessions made by the convention. The higher rate, indeed, would cut off this export entirely seriously affecting our balance of trade. We now

export to France about seven times as much of crude oil as of refined, and this crude product involves the interest of from 40,000 to 50,000 producers.

This illustrates the insecurity of our trade in the absence of treaty regulation, liable at all times to disturbance, and even prohibition, by French action, often sudden and unexpected, as in the case of the Western meat trade in 1898. This instability, which affects most articles of our present export trade, rendered a convention indispensable to our future security and to trade development. A year ago the whole South was alarmed over the effort in the French Chambers to double the duty on cotton-seed oil, a great Southern product which competes with French oils, and of which France takes more than any other European country. The difference in duty on that one article would have been (in 1899) \$670,028, had the French plan succeeded.

Mr. BACON. If they had doubled the duty?

Mr. KASSON. Yes, sir; and they were on the point of doing it, and against such action this treaty gives some assurance of stability. Now, in those two articles, if the French claim is correct, we have several times more revenue concessions from France than we give.

Mr. MONEY. Did they import cotton-seed oil from anywhere else?

Mr. KASSON. The duty was to be doubled for the benefit of a syndicate, which desired to transport the cotton seed from Egypt and establish the oil manufacture in France, and that was one of the things we had to fight.

To obtain security of trade for our exports which already enter the French market—a security which also promotes the steady enlargement of our present commerce—formed one great object of the recent treaty. As a result of our commercial agreement of May, 1898, which was made with the like object, our exports of the articles protected by it in the enjoyment of the French minimum tariff immediately advanced from \$2,690,280 in the eleven months ending May 31, 1898, to \$4,041,906 in the corresponding period of 1899.

Mr. WOLCOTT. What was their corresponding increase?

Mr. KASSON. It was large, but less than that of the United States. I had a table made some months ago, but I have not it here.

Mr. FRYE. I understand what you mean is that under existing law the French can change their tariff at any time, and are in the habit of doing so, and if this reciprocity treaty becomes a law that right is surrendered, and the tariff duties under this treaty will be permanent, and they will not attempt to change them suddenly?

Mr. KASSON. I will not say that. They maintain the right in the legislature to modify the rates from time to time, but what they do agree is that the lowest rate granted to anyone shall be the one to us. It is also a fact that they rarely disturb rates after a convention is based on them.

Mr. FRYE. If they change for one it shall be for all?

Mr. KASSON. Yes, sir.

Mr. BACON. Will there be any special advantage to us as to products where we are the sole producers?

Mr. KASSON. No, sir; except that we have the right of revocation of the treaty, a rather unusual clause, I think, by which we are able to terminate the treaty in case of injustice to our products, and the further fact that they rarely change a rate on which a treaty is based.

But a still greater object was the opening of the French market of

40,000,000 of highly civilized people to all products of American skill and industry on the lowest terms granted to the like products of any nation. The rapidity and perfection of our mechanical development is such that we rarely have occasion to ask more than equality of privilege with other nations in any market. We gain our share of trade without the help of preferential rates. But hitherto in France our European competitors have enjoyed actual and very large preferences over us. The consequence has been fatal to numerous lines of the manufactures of the United States, which can not even enter the French market at all, while the few which have effected an entrance have done so at very small profit compared with their foreign competitors.

In the line of agricultural machines and implements our exporters did get a limited sale in that market, amounting in 1899 to \$1,781,659, by paying the maximum rates of duty, which were 40 per cent higher than those paid on British and German machines. Had these exports entered under the provisions of this convention, the exporters would have saved \$114,740. This will illustrate the benefit the recent convention will confer upon nearly the whole range of United States manufactures. It will be for the most of them the new opening of a very large market, while those who have been able already to enter will enlarge their sales, and those hitherto excluded will find a new field of profit.

Our total exports to France in the fiscal year 1899 appear by our statistics to be \$60,596,899; imports from France, \$62,146,056—the balance of trade being against the United States by a considerably larger sum, owing to the statistical inclusion among our exports to France of the values sent through French ports to Switzerland and elsewhere.

Let me say as to United States statistics of our trade with France that I have had to go to foreign statistics to get the truth; our system is very incorrect. We ship, for instance, from Boston, New York, and elsewhere to Switzerland, and the goods are landed at a French port. According to our statistics, all that is credited to France; and consequently the remarkable situation is statistically presented that Switzerland sends us some \$15,000,000 a year and we send them only about \$250,000, while, as a matter of fact, the trade between the two countries is about equal, as shown by Swiss statistics.

The CHAIRMAN. Does that affect the statement you made as to French exports.

Mr. KASSON. No, sir.

Mr. CULLOM. The trade is credited to the country where it lands?

Mr. KASSON. Yes, sir. I have spoken to Secretary Gage about it and I shall hope that there will be some change, but I could not find in our statistics the requisite data, and I have had to go elsewhere for verity. The values sent through French ports to Switzerland and elsewhere are believed to amount to about \$12,000,000, leaving the French balance of trade against us by about \$14,000,000.

Of our exports two large items are raw cotton and tobacco, admitted free of duty, the latter being a Government monopoly and the former indispensable to the French manufacturing industry. These two items of export in 1899 amounted to \$23,865,815.

Of our manufactures, properly so called, France took in calendar year 1897 a value of about \$3,728,000, while she took from Germany

\$31,497,000, from England \$43,080,000, and from all the world \$117,440,500.

The following are the principal imports of manufactured articles consumed in France, together with their values, for the calendar year 1897, according to French statistics:

	Francs.
Machines and machinery	67,600,000
Cloths, etc., of—	
Silk	52,000,000
Wool	40,000,000
Cotton	36,300,000
Linen, ramie, etc.	9,800,000
Tools, and other manufactures of metal	26,900,000
Paper, cards, books, and engravings	25,000,000
Jewelry, real and imitation	12,900,000
Clocks and watches	12,300,000
Thread of—	
Cotton	12,300,000
Wool	10,800,000
Flax, ramie, etc.	6,600,000
Manufactures of straw, etc	11,400,000
Tobacco, manufactures	4,100,000
Hats and bonnets of straw, etc	3,200,000
Manufactures unenumerated	277,300,000
Total manufactures.....	608,500,000

The principal countries of origin of these goods were as follows:

Articles.	England.	Germany.	Belgium.	Switzer- land.	United States.
	Francs.	Francs.	Francs.	Francs.	Francs.
Machines and machinery	26,183,000	18,208,000	7,458,000	4,180,000	10,875,000
Cloths, etc., of—					
Cotton	12,434,000	13,014,000	2,257,000	3,957,000	19,000
Wool	26,608,000	10,532,000	1,380,000	138,000	.....
Silk	9,854,000	8,901,000	91,000	16,706,000	.....
Linen, etc	8,146,000	892,000	891,000	372,000	9,000
Chemical products	26,335,000	19,125,000	8,252,000	1,431,000	569,000
Feathers, prepared for millinery	15,825,000	3,630,000	833,000	.....	837,000
Tools and manufactures of metal	6,357,000	10,460,000	4,648,000	578,000	1,251,000
India-rubber manufactures	7,326,000	2,212,000	899,000	68,000	.....
Pottery and glassware	7,091,000	10,980,000	3,240,000	142,000	.....
Paper cards, books, engravings	5,344,000	10,586,000	5,512,000	959,000	438,000
Carriages, cars, cycles, etc.	4,359,000	1,582,000	1,234,000	211,000	2,345,000
Thread of all sorts	26,789,000	3,485,000	3,539,000	2,795,000	.....
Seagoing vessels	9,753,000	703,000	.....	.....	.....
Clothing, ready-made	1,812,000	1,919,000	569,000	354,000	.....
Furniture, and manufactures of wood	1,700,000	1,466,000	936,000	215,000	1,084,000
Hats, etc.	1,741,000	857,000	.....	349,000	.....
Colors (coal tar and other)	1,829,000	7,468,000	827,000	923,000	.....
Toys, brushes, and buttons	693,000	5,645,000	195,000	158,000	.....
Manufactures of gold, silver, etc., jewelry, real or imitation	1,165,000	4,612,000	354,000	4,664,000	.....
Clocks and watches, etc. ....	.....	3,325,000	.....	7,224,000	285,000
Musical instruments .....	.....	1,056,000	.....	.....	.....
Pins and needles .....	.....	1,335,000	180,000	.....	.....
Volatile oils and essences .....	.....	909,000	176,000	.....	.....
Total	201,147,000	141,922,000	42,421,000	45,424,000	17,812,000

I have made this statement because I was extremely anxious that you should understand that we are not merely regulating an old trade and market, but making a new one for American manufacturers. We are getting advantages on old trade, but that is nothing as compared with the new trade that is coming to relieve the plethora which will soon be on our own home market. The latter market is now practi-

cally supplied, and we have to depend on the foreign trade, or there comes the usual closing of factories and disaster. I have had that in mind, that we must, under this reciprocity clause, do what we can, and do it promptly, to open the markets of the world securely to our exports, or else we will have, inevitably, the reaction we have had several times in the course of my public life.

Mr. LODGE. One of the articles you mention is one of great importance to my part of the country, one which, despite all the disadvantages against it, has made its way—boots and shoes, leather, hides, and belts, and other articles of like nature. There is a better chance of development of that trade abroad, owing to our superiority. There are in London and Paris now stores in which our goods—boots and shoes—are sold. Why is that excepted? It has damaged the treaty greatly in my part of the country.

Mr. KASSON. They do not take into account that it required the consent of France. If the United States could have included them it would have been done. A persistent effort was made to do it, but they said, "We must exclude some articles, as you have done, or we can not get the treaty approved. The United States are keeping out a great number of articles, and we must keep out something." I endeavored to the best of my ability to get them in, but they absolutely refused to allow them, as obstinately as we on our part refused concessions on woolen goods and some other articles they wanted.

Mr. FRYE. I may state that while I was in Paris a year ago I was invited by the minister of the customs to a breakfast to discuss reciprocity. There were eight or ten members of Parliament there, and we sat at the breakfast for three hours, and I tried to get them to consent to a reduction of the duty, telling them that they could not make boots and shoes as we did. I had been to the quartermaster-general of their army, and I knew that the boots and shoes supplied for their army dropped to pieces on their feet, and that they were cheated out of their eyeteeth, and the minister admitted it, but he said that under no conditions would they allow the Americans to make the boots and shoes for their army, and I could not get them to make any concessions whatever.

Mr. KASSON. We send them as it is \$1,500,000 worth. The difference of duty on shoes as reported to me amounts to about 5 cents a pair.

Mr. LODGE. Hosiery and knit goods is another thing.

Mr. KASSON. In that connection I desire to make a statement as to the difference it makes in the actual tariff. Where the duty on the lowest grade is now 30 per cent ad valorem it will stand at 24 per cent ad valorem, and as you look—

Mr. CULLOM. Is it feasible to get at this? On page 3 we have a list of articles of merchandise excepted from the articles for minimum rates of duty; I would like to know what we lose, or how much we suffer, from the adoption of that list, on each item—horses, butter, etc.

Mr. KASSON. We suffer no loss; we simply get no reduction. We could not send them some of those articles; if rates were reduced on others, we could.

Mr. CULLOM. On pages 4 and 5 is a large list of articles on which reduction is made. Is it not feasible to learn just how much we suffer on each of those articles? Could not the Treasury of the United States work that out?

Mr. KASSON. On which list?

Mr. CULLOM. The excepted list on pages 4 and 5. Do we make or lose on that list?

Mr. KASSON. If you mean list of United States commissions, wherever there is a reduction we nominally lose revenue equal to the reduction. The whole amount is probably within \$800,000 or \$900,000. It varies with the amount imported from year to year.

In regard to the knit-goods schedule, under this treaty it is to be remembered it only touches cottons. What I now have to say will show exactly the condition under the present tariff and the duty as reduced under the new arrangement, showing, first, the rate under the present tariff, and then, in parentheses, the rate as it will be under this treaty. On section 317, stockings, hose, and half hose, made on knitting frames or machines, composed of cotton or other vegetable fiber, and not otherwise specially provided for, 30 (24) per centum ad valorem.

On section 318 stockings, hose, and half hose, selvaged, fashioned, narrowed, or shaped wholly or in part by knitting machines or frames, or knit by hand, including such as are commercially known as seamless stockings, hose, or half hose, and clocked stockings, hose, or half hose, all of the above composed of cotton or other vegetable fiber, finished or unfinished, valued at not more than \$1 per dozen pairs, 50 (40) cents per dozen pairs; valued at more than \$1 per dozen pairs and not more than \$1.50 per dozen pairs, 60 (48) cents per dozen pairs; valued at more than \$1.50 per dozen pairs and not more than \$2 per dozen pairs, 70 (54) cents per dozen pairs; valued at more than \$2 per dozen pairs and not more than \$3 per dozen pairs, \$1.20 (96 cents) per dozen pairs; valued at more than \$3 per dozen pairs and not more than \$5 per dozen pairs, \$2 (\$1.60) per dozen pairs, and, in addition thereto, upon all the foregoing, 15 (12) per centum ad valorem; valued at more than \$5 per dozen pairs, 55 (44) per centum ad valorem.

On section 319 shirts and drawers, pants, vests, union suits, combination suits, tights, sweaters, corset covers, and all underwear of every description made wholly or in part on knitting machines or frames, or knit by hand, finished or unfinished, not including stockings, hose, or half hose, composed of cotton or other vegetable fiber, valued at not more than \$1.50 per dozen, 60 (48) cents per dozen and 15 (12) per centum ad valorem; valued at more than \$1.50 per dozen and not more than \$3 per dozen, \$1.00 (88 cents) per dozen, and, in addition thereto, 15 (12) per centum ad valorem; valued at more than \$3 per dozen and not more than \$5 per dozen, \$1.50 (\$1.20) per dozen, and, in addition thereto, 25 (20) per centum ad valorem; valued at more than \$5 per dozen and not more than \$7 per dozen, \$1.75 (\$1.40) per dozen, and, in addition thereto, 35 (28) per centum ad valorem; valued at more than \$7 per dozen and not more than \$15 per dozen, \$2.25 (\$1.80) per dozen, and, in addition thereto, 35 (28) per centum ad valorem; valued above \$15 per dozen, 50 (40) per centum ad valorem. You observe the duty will still be highly protective.

The imports of the United States of knit goods of cotton were—

From Germany	\$3, 616, 335
From France	241, 278
From United Kingdom	116, 352
Total of world	4, 034, 483

Mr. CULLOM. It seems to be a little difficult to get at just what effect, in dollars and cents, this treaty has upon the present situation or law of the country; and what I am trying to find out is whether there is not some way to work it out in dollars and cents—the exact effect of this treaty on present conditions.

Mr. KASSON. I worked that out at the beginning, on the basis of the then last year of trade, which was 1897. It made the reductions, based on that year, something like \$1,000,000 on our side. It made less than \$300,000, on a like basis, on their side. That is why I have tried to attract your attention especially to the importance of the treaty lying in the two facts—that is, the discrepancy is explained by two facts—that on two or three most important things which are peculiarly American, France has voluntarily conceded to us, for the time being, the minimum rate, having the right to change it at any time. If she should change those articles from the minimum to the maximum rate, as she now has the right to do, then her concessions become from three to five times greater than ours, on the basis of the trade of 1897.

Mr. WOLCOTT. The object of this treaty is to increase our exportations to France, and you call our attention to the fact that our present exportations are less than \$4,000,000, those from Germany upward of \$30,000,000, and those from Great Britain more than \$40,000,000 of manufactured articles. The principal importations into France, other than from the United States, are from Germany and England. Can you not furnish us with a list of the items and their character which go to make up the importations from Germany and England into France, in order that the committee may determine whether or not they are manufactured articles with which, under any circumstances, the United States could compete; that is to say, the articles from Germany, aggregating \$31,000,000, may be articles with which we could not compete, and a statement of this kind is what we should have before the committee?

Mr. KASSON. We have a list of them here now.

Mr. WOLCOTT. Showing of what they consist?

Mr. KASSON. Yes, sir.

Mr. MORGAN. I do not think I understand the situation of lumber and timber as affected by this treaty. Is it affected at all by the treaty? It is not among the excluded articles.

Mr. KASSON. It was secured on some articles by the agreement of May, 1898, proclaimed by the President. The lowest rate is now secured on all timber and lumber. The French concessions cover everything not named in the excepted schedule.

Mr. MORGAN. Now, on lumber and timber, under this phrasing, France can not charge any higher rate to this country than is given to any other?

Mr. KASSON. Yes; that is the situation.

Mr. MONEY. On squared timber or lumber?

Mr. KASSON. Yes, sir; on all its forms and manufactures.

Please note this bit of information to show that I have not miscalculated the importance of trade probably coming to us in increase of exports of manufactures. Each inhabitant of Belgium now sells to France \$13 worth of goods; Switzerland, \$6; each inhabitant of England, \$3 worth; of Italy, \$2.40; of Germany, \$1.60; of the United States, but 80 cents worth. That is the present condition. As to the probable immediate effect of this treaty on American exports, I have

a statement which I will leave with the committee for its use, but which I do not desire to have printed, as it affects private enterprises.

Mr. LODGE. What we want most is to know what we get from them on these various articles, in regard to which I think a statement ought to be made up, so that we can state, on specific articles, what we get in duties, etc., in return. You say to people that we get the minimum rate, and it conveys nothing to them, but if you say we get 40 per cent reduction on agricultural implements, it conveys a specific idea to the mind.

Mr. KASSON. That is true. I should do it most willingly. I am extremely short-handed, having only Mr. McCoy to assist me, but we will endeavor to supply the information. It is easily accessible in the French tariff.

Mr. WOLCOTT. Do French octroi duties on food products make any discrimination between the United States products and those of other countries? If you are sending, for instance, food products into Paris, do the duties discriminate against American canned goods?

Mr. KASSON. No; we have never had any complaints.

Mr. MONEY. Have you the reduction on the lumber and timber schedule in your list?

Mr. KASSON. Yes, sir; it is one of the things to go into the statement.

The CHAIRMAN. Horses, butter, etc.?

Mr. KASSON. Our eggs and butter do not go there.

The CHAIRMAN. Take the articles of cheese and butter.

Mr. KASSON. We have not sent them there heretofore. They prefer their own for consumption.

The CHAIRMAN. How about horses?

Mr. KASSON. There are few, if any, exports of them to France. Perhaps they might want to buy army mules, in which case I have no doubt they would get them in free.

The CHAIRMAN. Is there anything else you would like to lay before the committee?

Mr. KASSON. I would like to say a single word further. I am rather holding back from any fresh negotiations under the fourth section of the tariff act in order to get the judgment of the Senate upon this plan of reciprocity, because I have put my best effort into this French treaty, and if it is not to be ratified of course there is no propriety in my going on and making governmental embarrassment in that respect. If the fourth section of the tariff act is not to have effect the Administration should be so advised. Reciprocity means to give as well as to take. Some of our interests forget the maxim "to live and let live."

Mr. CULLOM. You would make other treaties if this should be ratified?

Mr. KASSON. That would depend on the offered advantages to the United States. If this highly advantageous treaty can not be approved I consider it vain to attempt any others in Europe. I would make, perhaps, some other less important treaties to which you would not object; but so far as Europe is concerned it is vain for me to attempt to do better than I have done with France. I do not speak for the President—only my own judgment.

Among the differences worthy of notice in the treaty is the fact that we guarantee to France the lowest rates only on the articles that are expressly named, and they, on the other hand, guarantee to us the

lowest rates on our entire exports except the short reserved list. Then there is one other point in the treaty about goods arriving by an intermediate port. That is a point to which I do not want to give any prominence, because there has lately arisen a dispute about it. But we can not now send a box of goods on a steamer sailing under the United States flag to Southampton or Antwerp, or other port outside France, and have it transshipped and go into France at the same rate of duty as if shipped direct to a French port.

The CHAIRMAN. This obviates that?

Mr. KASSON. The intention was to obviate that, and it was made as plain as the English language could make it; but after the treaty was agreed upon they undertook to make another interpretation, that under their laws it would be liable to a *surtax d'entrepot*. This provision is there, and while I would not make it a critical point in the treaty I wanted to get it for the benefit of our steamship lines carrying goods across the Atlantic and transshipping to France from Southampton and Antwerp without going into bonded warehouses.

Mr. BACON. Speaking of cotton-seed oil, what is the amount of the export of cotton-seed oil from this country annually—about?

Mr. KASSON. In 1898 it was over \$3,000,000 to France and in 1899 \$4,044,000; to the United Kingdom about \$1,296,000; Germany, \$873,000; the rest of Europe \$4,411,000—about the same as to France, the total for that country being 16,959,000 gallons, of a value of \$4,044,000.

Mr. BACON. What is the amount to all of Europe in gallons and value?

Mr. KASSON. In 1899 we exported to the world 50,600,000 gallons, with a value of \$12,077,000, Europe taking over 90 per cent of our total export. France is the largest single consumer.

I wish further to make a statement in regard to the supposed injury to the wine industry of the United States. Among other errors the statement has been made in the public press that there is much injury to the California wine interest under this French treaty. This is altogether a misapprehension of the facts. This treaty makes no reduction of duty on French wines imported into the United States—none at all—while it does reduce the duty on American wines imported into France by 40 per cent or more, so its only relation to California and other American wines is beneficial. A similar advantage has been secured to California wines in other treaties.

I will submit to the committee a general résumé of the motives and effect of the treaty; also a list of French tariff articles on which we secure minimum rates, with percentage of reduction on each from maximum rates; also a confidential memorandum (not for print) of some offers of trade already made, dependent on ratification of treaty.

FRENCH SCHEDULES AS GRANTED TO THE UNITED STATES IN THE PENDING TREATY.

The attached schedule is a list of the principal articles of United States export upon which France, in the pending convention, gives the minimum rates of custom duty to this country.

The figures in parentheses indicate the proposed percentage of reduction from present rates charged upon United States goods.

Upon the articles marked with a star (*) there is no present reduction in duty granted, but the United States is guaranteed upon them the lowest rates that may hereafter be given to any country, as, in fact, is guaranteed upon this entire list of articles.

Articles upon which the United States is guaranteed the minimum tariff rates by France according to the convention of July 24, 1899.

1. Mules (40 per cent) and asses.*
2. Oxen, cows, bulls, steers, calves, etc.*
3. Rams, ewes, wethers, lambs, etc.*
4. Goats and kids.*
5. Pigs of all kinds (33½ to 50 per cent).
6. Game, alive or dead (20 per cent).
7. Turtles, alive or dead (20 per cent).
8. Poultry, alive or dead.*
9. Pigeons.*
10. Other animals, except horses.*
11. Meat of all kinds, fresh* or salted (beef and other, 10 per cent; pork*).
- Pork, butchers' produce (50 per cent).
12. Preserved game, in tins, pots, or pastry (20 per cent).
- Meat, preserved in tins (25 per cent).
13. Pate de foie gras, in tins, pots, or pastry (20 per cent).
14. Extracts of meat (25 per cent).
15. Guts, fresh, dried, or salted.*
16. Hides, raw, green, or dry.*
17. Peltries, raw.*
18. Wools, in the mass or on the skin,* dyed (23+ per cent) or not, and noils, dyed (23+ per cent) or not.
19. Wools, combed or carded, dyed (20 per cent) or not (29.6 per cent).
20. Wool waste.*
21. Horsehair, raw.*
22. Horsehair, prepared or carded (33½ per cent).
23. Hair, raw,* combed or carded (* to 33½ per cent) or in hanks (33½ per cent).
24. Feathers, ornamental.*
25. Feathers, quills for writing.*
26. Bed feathers (16½ per cent).
27. Silk, cocoons, raw, worked, thrown, or floss.*
28. Hair, human.*
29. Animal fat, tallow and all other, not fish oil.*
- (Lard, 37.5 per cent).
30. Margarine, oleomargarine, alimentary fats, etc. (28+ per cent).
31. Grease from hides (14.3 per cent).
32. Beeswax (33½ per cent).
33. Yolks of eggs, not fit for consumption.*
34. Silkworms' eggs.*
35. Milk (50 per cent) and milk condensed, with or without sugar (50 per cent).
36. Manures, guano and other, including the residue of animal black.*
37. Bones, calcined, white.*
38. Bone black, animal black (33½ per cent).
39. Parings and glue stock.*
40. Other raw animal products and wastes.*
41. Fish, fresh (20 to 50 per cent), dried, salted, or smoked (16½ to 68 per cent).
42. Fish, preserved by pickling or otherwise prepared (16½ per cent).
43. Oysters, fresh or pickled (50 per cent).
44. Lobsters, fresh (25 per cent), preserved or prepared (16½ per cent).
45. Mussels and other shell fish.*
46. Fish oils (14.3 per cent).
47. Spermaceti (16½ per cent to 21 * per cent).
48. Roe of cod and of mackerel (25 per cent).
49. Whalebone.*
50. Dogfish skins and seal skins, raw.*
51. Coral, rough.*
52. Pearls, fins.*
53. Fish bladders, raw or dried.*
54. Sponges of all kinds; prepared (23 * per cent).
55. Other substances, in the rough (animal substances).*
56. Tortoise shell * and imitations of ivory and tortoise shell (25 per cent).
57. Shells, mother-of-pearl.*
58. Shells, heliotis, and other shells for industrial purposes.*
59. Bones and hoofs of cattle, rough.*
60. Horns of cattle, rough,* prepared, or in sheets (25 per cent).

61. Wheat, spelt, and meslin, in grain, or the grain, or in flour and other preparation.*
62. Oats, grain or meal.*
63. Barley, grain or meal.*
64. Rye, grain or meal.*
65. Maize, grain or meal, etc.*
66. Buckwheat, grain or meal.*
67. Malt.*
68. Ship biscuit and bread.*
69. Groats, grits, pearled or cleaned grain.*
70. Millet.*
71. Semolina and Italian pastes, macaroni, etc. (15* per cent).
72. Rice, in the husk, broken, whole, in flour, or grits.*
73. Pulse: Beans, whole, decorticated, or broken.*
74. Beans, in clusters or in the shell.*
75. Bean meal.*
76. Chick pease.*
77. Other pulse, in the grain or decorticated.*
78. Other pulse, in flour, raw or cooked.*
79. Chestnuts and chestnut flour.*
80. Dari, millet, and canary seed, grain or meal.*
81. Potatoes.*
- Lemons, oranges, cedrats, limes, etc. (37½ per cent).
- Mandarin oranges (33½ per cent).
82. Hothouse fruit and grapes (25 per cent).
83. Common grapes, residue of grapes, and must (33½ per cent).
- Apples and pears (table, 33½ per cent; for cider, 25 per cent).
84. Raisins (40 per cent).
85. Figs (66½ per cent).
- Apples and pears, dried (33½ per cent).
86. Almonds and hazelnuts (50 per cent).
- Prunes (33½ per cent).
87. Nuts (100 per cent).
- Other dried fruits (66½ per cent).
88. Fruits, candied or preserved, in spirits, sugar, or honey (20 per cent).
89. Fruits, otherwise preserved (20 per cent).
90. Fruits for distillation (25 per cent).
91. Raisins, etc., for distillation (37½ per cent).
92. Oleaginous fruits and seeds.*
93. Seed grain.*
94. Beetroot seed.*
95. Molasses, for distillery purposes, including exosmotic (16 per cent) waters, and all other molasses (20 per cent).
96. Sirups, bonbons, candied fruits (5* per cent).
97. Sweet biscuits (40 per cent).
98. Preserves, manufactured with sugar or honey (5½* per cent).
99. Preserves, manufactured without sugar or honey (20 per cent).
100. Coffee.*
101. Chocolate * to (22* per cent).
102. Olive oil (40 per cent to 33½ per cent).
103. Palm oil.*
104. Coconut oil (66½ per cent).
105. Castor oil (83½ per cent).
106. Linseed, turnip seed, cotton seed, and peanut oils.*
107. Colza, mustard-seed, poppy-seed, and rape-seed oils (20 per cent).
108. Other fixed oils (20 per cent).
109. Scented oils (20 per cent).
110. Volatile oils or essences, of rose (33½ per cent).
111. of rose geranium (50 per cent).
112. all other (50 per cent).
113. Gums.*
114. Buds and resins, raw; pitch, cakes of resin, etc. (40 per cent).
115. Tar (25 per cent).
116. Oil of resin.*
117. Resin and other exotic resinous products not of pine or fir.*
118. Essence of turpentine (50 per cent).
119. Balsams.*

120. Bird lime.*
121. Marshmallow (16½ to 25 per cent).
122. Herbs, flowers and leaves (20 per cent).
123. flowers of the mallow, rue, marjoram, sage, mullein, mint, melissa, hyssopi, pansies, camomile, elder flower (20 per cent), basil, savry, soapwort, and other herbs,* leaves and flowers.*
124. Peels and barks; lemon, orange, and other peels of fruit belonging to the citrus family (30 per cent).
125. Lichens.*
126. Elderberries, myrtleberries, and billberries.*
127. Other fruits and seeds not mentioned.*
128. Woods; common (logs, 35 per cent; lumber, 28, 30, and 33½ per cent; paving blocks, 30 per cent; stave wood, 40 per cent).
129. splints (25 per cent).
130. hoop wood and prepared poles (30 per cent).
131. perches, poles, and staffs (33½ per cent).
132. wood, saturated, or having undergone any form of chemical preparation (33½ per cent).
133. logs, less than 60 centimeters in circumference, round or quartered, brush, and firewood.*
134. resinous wood in logs of any diameter, of a length not over 1 meter 10 centimeters (33½ per cent).
135. charcoal (33½ per cent).
136. straw or wool of wood (33½ per cent).
137. other common woods.*
138. cabinetmakers' wood, sawn, box, mahogany, and other* (to 33½ per cent).
139. scented woods.*
140. dyewoods, in the log or ground.*
141. Fibers: cotton, unmanufactured.*
142. cotton, carded (25 per cent)
143. flax, raw, hackled, combed,* or as tow.*
144. hemp in the stalk, combed (33½ per cent); dressed, hackled, or as tow.*
145. jute, raw, combed, hackled, or as tow.*
146. ramie.*
147. Canes and reeds.*
148. Osiers, raw (25 per cent); stripped (16½ per cent).
149. Hard seeds for carving purposes.*
150. Tan bark, ground or not (33½ per cent).
151. Sumac, fustic, barbery (bark, leaves, and twigs, ground or not).*
152. Gall and valonia nuts, broken or ground.*
153. Other roots, herbs, flowers, berries, seeds, and fruits fit for dyeing or for tanning (33½ per cent).
154. Vegetables, fresh (25 per cent); salted or pickled (20 per cent); preserved or dried (20 per cent).
155. Cabbage for sauerkraut.*
156. Hops (33½ per cent).
157. Wormwood.*
158. Beet root, fresh* or dried (33½ per cent).
159. Yeast from distilleries or breweries (16½ per cent).*
160. Broom-corn straw (50 per cent).
161. Bran from any kind of cereal.*
162. Oil cake and malt refuse from breweries.*
163. Rags, linen.*
164. Cellulose pulp, mechanical, dried, moist (33½ per cent).
165. Cellulose pulp, chemical (20 per cent).
166. Peat and turf for fuel.*
167. Nursery and hothouse plants and shrubs (10 per cent).
168. Vegetable products and refuse not specified.*
169. Wines, exclusively the product of the fermentation of fresh grapes (41.6 per cent).
170. Vinegar, not perfumed (25 per cent).
171. Cider and perry (28.6 per cent).
172. Beer (25 per cent).
173. Mead.*
174. Orange wine (41.6 per cent).
175. All other beverages not specified (21.9 per cent).

175. Distilled beverages—spirits, brandy ($12\frac{1}{2}$ per cent), and other liqueurs (11.1 per cent).
176. Mineral waters, including recipients.*
177. Marble, statuary, or other.*
178. rough,* squared,* or sawed (20 to 40 per cent).
179. sculptured, polished, molded, or otherwise worked (20 to 25 per cent).
180. clocks, cups, inkstands, marbles, etc. (25 per cent).
181. tiles, sawn, ground or polished (40 per cent).
182. other (25 per cent).
183. Precious stones, rough or cut.*
184. Agates and other similar stones, rough* or wrought ($16\frac{1}{2}$ per cent).
185. Rock crystal, rough or wrought.*
186. Stone, worked, including worked building stone (60 per cent).
- 186 $\frac{1}{2}$. sculptured ($33\frac{1}{2}$ per cent), molded (75 per cent), polished (70 per cent).
187. Tombstones (50 per cent).
188. Lithographic stones.*
189. Millstones.*
190. Emery, in powder (50 per cent).
191. on paper or tissues, grindstones, and whetstones of emery, or emery in any form (40 per cent).
192. Whetstones, rough (50 per cent) or cut (25 per cent).
193. Kaolin (30 per cent).
194. Stones and earths for artistic and manufacturing purposes.*
195. Slates, blocks,* slabs (25 per cent), roofing ($28\frac{1}{2}$ per cent), or framed (25 per cent).
196. Bricks, solid or hollow, in all shapes or sizes ($33\frac{1}{2}$ to 40 per cent).
197. Tiles of all kinds (20 to $33\frac{1}{2}$ per cent).
198. Earthenware for building purposes.*
199. Building stone, rough.*
200. Paving stones ($33\frac{1}{2}$ per cent).
201. Broken stones for macadam.*
202. Plaster.*
203. Lime, common,* and hydraulic (20 per cent).
204. Cement of all kinds ($33\frac{1}{2}$ to 50 per cent).
205. Pipes and molded articles of cement and beton ($33\frac{1}{2}$ per cent).
206. Cement tiles, one or more colors ($33\frac{1}{2}$ per cent), mosaics (20 per cent), etc.
207. Other building materials.*
208. Marl.*
209. Ice.*
210. Sulphur, crude,* refined, or flowers of (25 per cent).
211. Coal, coke, and cinders.*
212. Graphite or plumbago.*
213. Coal tar.*
214. Bitumen.*
215. Mineral wax, or ozokerite, crude ($16\frac{1}{2}$ per cent) or refined (20 per cent).
216. Jet.*
217. Petroleum, shist, and other mineral illuminating oils.
218. crude (50 per cent), refined, and essences of (50 per cent or more).
219. Heavy oils, and residues of petroleum and other mineral oils (25 per cent).
220. Paraffin (14.3 per cent).
221. Vaseline ($12\frac{1}{2}$ per cent).
222. Gold and platinum in all conditions (hammered in leaves, 25 per cent; other *).
223. Silver in all conditions (hammered in leaves, 25 per cent; other *).
224. Goldsmiths' dross.*
225. Aluminum (25 per cent).
226. Iron ores.*
227. Wrought iron in all its shapes, forms, and conditions ($6\frac{1}{2}$, $6\frac{3}{4}$, $8\frac{1}{2}$, 9.1, 10, $13\frac{1}{2}$, $16\frac{1}{2}$ per cent).
228. Iron, tinned, coppered, leaded, or zincked ($13\frac{1}{2}$ to 14.3 per cent).
229. Iron or steel wire, tinned, coppered, zincked, galvanized, or not (7.7, 9.2–12 $\frac{1}{2}$ per cent).
230. Iron shavings and cuttings from wire drawing (15 per cent).
231. Rails of iron or steel (14.3 per cent).

232. Steel in bars, ingots (16½ per cent), blooms (14.3 per cent), or other conditions (14.3 per cent).
233. axles and tires (20 per cent).
234. fine, for tools (25 per cent).
235. in sheets or bands (5 to 9.1 per cent to 23.8 per cent).
236. Filings and scales of iron.*
237. Fragments of old manufactures, scrap (25 per cent).
238. Dross and scorixe from forges.*
239. Copper ore, pure or alloyed with zinc or tin, of first fusion.*
240. rolled or hammered, in bars or plates (23* per cent).
241. in wire of all sizes (23* per cent).
242. aluminum bronze (23* per cent).
243. filings and fragments of old manufactures of copper.*
244. Lead ore and metal (less than 30 per cent metal).
- ores (more than 30 per cent metal, 16½ per cent).*
245. alloyed with antimony.
- crude, in pigs, etc.
- argentiferous (16½ per cent).
246. hammered or rolled (7.1 per cent).
- filings, and fragments of old (12½ per cent).
247. Tin filings and fragments of old manufactures.*
248. Zinc ore* and metal in all forms.*
249. Nickel (to 23 and 25 per cent).*
250. Mercury.*
251. Antimony.*
252. Arsenic.*
253. Cadmium.*
254. Bismuth.*
255. Manganese(ore).*
256. Cobalt (ore).*
257. All other ores of metal.*
258. Bromine and bromides (16½ per cent).
259. Iodine, iodides, and iodoforms (20 per cent).
260. Phosphorus, white or red (16½ per cent).
261. Acids: acetic (50 per cent).
262. arsenious.*
263. boric (33½ per cent).
264. hydrochloric (21.6 per cent).
265. citric (4 to 16½ per cent).
266. gallic (15½ per cent).
267. nitric (100 per cent).
268. oleic.*
269. oxalic (16½ per cent).
270. phosphoric (20 per cent).
271. stearic (20 per cent).
272. sulphuric.*
273. tannic, or tannin in any form.*
274. tartaric (16½ per cent).
275. Extract of chestnut wood and other tannic vegetable saps, liquid or solid (40 per cent).
276. Oxides: of cobalt (* 22.2 per cent).
277. of copper.*
278. of tin.*
279. of iron (33½ per cent).
280. of lead (39.4 per cent).
281. of uranium.*
282. of zinc.*
283. Peroxide of barium.*
284. Magnesia (26 per cent).
285. Potash and carbonate of potash.*
286. Ashes, vegetable.*
287. Salt of beet root.*
288. Soda, caustic (18.8 per cent).
289. natural or artificial, crude (17.4 to 19.3 per cent) or refined (17.4, 18, to 20 per cent).
290. Natron (17.4 per cent).
291. Bicarbonate of soda (13½ per cent).

292. Salts of soda not mentioned (13 per cent).
293. Sea salt, brine and rock salt, crude or refined.*
294. Salts, ammoniacal (20 per cent).
295. of cobalt ($22\frac{1}{2}$ per cent).
296. of silver.*
297. of tin.*
298. Acetate of copper (16 to 19 per cent).
299. of iron (* to $16\frac{3}{4}$ per cent).
300. of lead ($56\frac{1}{2}$ per cent).
301. of potash (15.7 per cent).
302. of soda ($16\frac{3}{4}$ per cent to 20.8 per cent).
303. Alcohol, amylic (21.9 per cent).
304. methyl or wood spirit (29 per cent).
305. Alumina, anhydrous ($16\frac{3}{4}$ per cent).
306. Alum of ammonia or of potash (25 per cent).
307. Hydrate of alumina (76.6 per cent).
308. Arsenate of potash ($12\frac{1}{2}$ per cent).
309. of soda (15 per cent).
310. Borax, crude* or refined (20 per cent).
311. Carbonate of magnesia (20.9 per cent).
312. of lead (60 per cent).
313. Citrate of lime (25 per cent).
314. Chloride of potash (16 per cent).
315. of soda, of baryta, and other (16 per cent).
316. Chloride of aluminium ($33\frac{1}{2}$ per cent).
- double of aluminium and sodium (26 per cent).
317. of lime (22.2 per cent).
318. of magnesium ($33\frac{1}{2}$ per cent).
319. of potassium.*
320. Chromate of lead (26 per cent).
321. of potash and of soda ($33\frac{1}{2}$ per cent).
322. Ether, acetic and sulphuric.*
323. Chloroform.*
324. Collodion.*
325. Glycerine, crude (21 per cent), or distilled (25 per cent).
326. Lactate of iron (14 per cent).
327. Nitrate of potash (* to $33\frac{1}{2}$ per cent).
328. of soda.*
329. Oxalate of potash ($16\frac{3}{4}$ per cent).
330. Pyrolignite of lead (46.3 per cent).
331. of lime (20 per cent).
332. Silicate of soda or of potash (15, $16\frac{3}{4}$, 30 per cent).
333. Sulphate of alumina (25 per cent).
334. of copper (25 per cent).
335. of iron (20 per cent).
336. double, of iron and copper ($16\frac{3}{4}$ per cent).
337. of magnesia.*
338. of potash.*
339. of soda (10 to 27 per cent).
340. of zinc (29 per cent).
341. Sulphate and other salts of quinine (25 per cent).
342. Sulphite and disulphide of soda (21.8 per cent).
343. of lime (21.8 per cent.)
344. Hyposulphite of soda (21.8 per cent).
345. Sulphuret of arsenic (20 per cent).
346. of mercury* (to 11.4 per cent).
347. Tartar of potash and double tartrate of potash and soda.*
348. Prussiate of potash, red ($16\frac{3}{4}$ per cent) or yellow (20 per cent).
349. Superphosphate of lime.*
350. Chemical products obtained from coal tar, except saccharin, including coal oil, coal essence, benzine, benzol, toluene, xylene, heavy oil, naphthaline, anthracene, phenic acid, phenol, carbolic acid, etc.,* nitrobenzine, nitro-toluene, aniline, toluidine, xyloidine, naphthol, naphthylaniline, and their acids, salts, or alcohols; sulphanilic acid, sulphionide, naphthalate; all sulphurous compounds of naphthol and others; dymethylaniline, ethyl, and diethyl, dyphenylamine, phthalic acid, benzoic acid, etc. (25 per cent).
351. Chemical manures.*

352. Celluloid, crude, in lumps, plates, or sheets (50 per cent).
353. Chemical products not mentioned.*
354. Paste for pastels.*
355. Annatto, prepared.*
356. Extracts of dyewoods and of other tinctorial products (to 50 per cent).*
357. Dyes derived from coal tar (20 to 40 per cent).
358. Ultramarine ($16\frac{2}{3}$ per cent).
359. Prussian blue ($16\frac{2}{3}$ per cent).
360. Carmines ($16\frac{2}{3}$ per cent).
361. Varnishes ($18\frac{2}{5}$ to 25 per cent).
362. Inks, writing, drawing, or printing, of all colors (20 per cent).
363. Ivory black ($16\frac{2}{3}$ per cent).
364. Printers' black for engraving (20 per cent).
365. Spanish and lamp black (20 per cent).
366. Native mineral black.*
367. Pencils of all kinds (10 to 28.6 per cent).
368. Graphite and plumbago, for pencils ($16\frac{2}{3}$ per cent).
369. Colored pencils (25 per cent).
370. Carbons, for electric light ($33\frac{1}{3}$ per cent).
371. Ochres (28.6 per cent).
372. Talc, pulverized (28.6 per cent).
373. Colors: ground in oil, including carbonate of lead (21.7 per cent).
374. in paste, prepared with water ($6\frac{2}{3}$ per cent).
375. All colors not mentioned.*
376. Soaps of all kinds (perfumed, $33\frac{1}{3}$ per cent; not perfumed*).
377. Dressings made from soap, litchens, from fecula, and from all other substances,
 for sizing thread and preparing tissues.*
378. Spices, prepared ($16\frac{2}{3}$ per cent).
379. Mustard ($16\frac{2}{3}$ per cent).
380. Sauces ($16\frac{2}{3}$ per cent).
381. Distilled waters, alcoholic (21.9 per cent) and nonalcoholic ($16\frac{2}{3}$ per cent).
382. Patent medicines of all kinds, if mentioned in an official pharmacopœia (25
 per cent).
383. Chicory, roasted or ground (20 per cent).
384. Starch (18.1 per cent).
385. Feculae of potatoes, maize, etc. (20 per cent).
386. Dextrine and other products derived from feculae, starch, or from other amy-
 laceous substances not specified (19—per cent).
387. Sealing wax (14.3 per cent).
388. Candles of paraffine (14.3 per cent) or other material (16—per cent).
 Tallow candles (20 to 25 per cent).
389. Wax and stearic acid and manufactures thereof (16—per cent).
390. Isinglass, glue manufactured from tendons of whales, and other similar glues
 (20 per cent).
391. Strong glue.*
392. Gelatin.*
393. Albumen.*
394. Gingerbread ($33\frac{1}{3}$ per cent).
395. Milk sugar.*
396. Blacking (20 per cent).
397. Bricks of all shapes, kinds, and sizes (25 to $33\frac{1}{3}$ per cent).
398. Crucibles, gas retorts, etc. (25 per cent).
399. Fireproof products, composed chiefly of silica, magnesia, etc. ($33\frac{1}{3}$ per cent).
400. Crucibles of graphite or plumbago (25 per cent).
401. Drain pipes ($33\frac{1}{3}$ per cent).
402. Flowerpots of common clay (20 per cent).
403. Tobacco pipes of clay.*
404. Other earthenware and pottery of common clay ($16\frac{2}{3}$, 25, 25, $33\frac{1}{3}$ per cent).
405. Stoneware: Apparatus for the manufacture of chemical products (20 to $33\frac{1}{3}$
 per cent).
406. Pipes of all shapes (20 to $33\frac{1}{3}$ per cent).
407. Other stoneware, common, of all kinds, sanitary apparatus, house-
 hold articles, bottles, etc. (22.2 to $33\frac{1}{3}$ per cent).
408. Ceramic paving tiles ($33\frac{1}{3}$, 50, 40, $33\frac{1}{3}$ per cent).
409. Faience: Stanniferous (18.2, 20, 30 per cent).
410. Fine, decorated or not (18.2 to 30 per cent).
411. Plate glass, all sizes, rough, polished, or silvered (20, 20, 25, $33\frac{1}{3}$, 30 per cent).

412. Glass, common, cast or molded, with or without grooves, reliefs, or perforations of any thickness, for insulators, roofing, windows, piping, or pavements (25 per cent).
413. Table glass, of glass or crystal, plain, molded, cut or engraved, decorated, colored or not (20 to 33½ per cent).
414. Lamp chimneys (16½ per cent).
415. Window glass: Common, colored, etc. (16½, 20, 28.6 per cent).
416. Framed, colored, enameled, engraved, decorated in any way, or hand painted (16½ per cent).
417. Watch glasses, rough, including glasses for toy watches (25 per cent).
418. Glasses for clocks, flat, cut, or polished (33½ per cent).
419. All other glasses for clocks, and watch glasses, cut and polished (16½ per cent).
420. Spectacle and optical glasses, plane, concave, or convex (50 per cent); polished or cut (16½ per cent).
421. Vitrifications and enamel, in lumps and tubes, cut or not, in beads, perforated or cut, spun glass, balls, and imitation coral of glass (16½, 20, 33½ per cent).
422. Imitation precious stones, trinkets of glass, colored or not (33½ per cent), flowers and ornaments of beads and porcelain, mosaics on paper (16½ per cent), wreaths, finished or not, and other vitrified or porcelainous articles, with or without metal ornaments (14.3 per cent).
423. Bottles, full or empty (22.2 per cent).
424. Cullet or broken glass.*
425. Incandescent electric lamps, with or without fittings (12½ per cent).
426. Glass articles not specified (12½ per cent).
427. Yarns and cordage of yarns, of linen, hemp, ramie, or mixtures thereof, glazed or not, bleached, dyed or not, of all sizes, in skeins, balls, on card-board, or otherwise, single or twisted (23 to 25 per cent).
etc., of jute (10 to 20 per cent).
428. of cotton or mixed cotton of all kinds, etc. (23 to 25 per cent).
429. of wool or mixed wool, of all kinds (28 to 35 per cent).
430. of silk or mixed silk of all kinds (21 to 28 per cent).
431. Thread of silk or artificial silk of all kinds (25 to 50 per cent).
432. Tissues of linen, hemp, jute, and ramie, or mixtures thereof, of all kinds, and manufactures thereof, including table linen, drills, trimmings, ribbons and sashes, hosiery, lace, handkerchiefs, velvets, and plushes (20, 23,* and 30 per cent).
433. Tissues or cloths of cotton or mixed cotton of all kinds, and manufactures thereof, including calicos, velvets, piques, covers, counterpanes, dimity, damask, table linen, bobbinet, blankets, hosiery, chintz, gloves, lace, trimmings, ribbons, tapes, tulles, curtains, muslins, lamp wicks, oilcloth, plush, and fishing nets (about 23 per cent).
434. wool or mixed wool, goat hair, horsehair, alpaca, etc., and manufactures thereof, including cloths, cassimeres, stuffs for furniture, moire, cloths for clothing, drapery, etc., carpets of all kinds, hosiery, gloves, etc., trimmings, ribbons, and tapes, fez caps, shawls, lace, guipure, bolting cloths, blankets, list slippers, and fur-lined shoes of wool, cloth list, velvet for furniture, etc. (20 to 33½ per cent).
435. silk of all kinds, or mixed silk, and manufactures thereof, including lace, trimmings, ribbons, velvet, embroideries, clothing, underclothing, cravats, and neckties (20 to 66½ per cent).
436. Paper of all kinds, hand and machine made, and manufactures thereof, including wall paper, sulphurated paper, albumenized photographic paper, carbon tissue, blue-process paper, papier mâché, cardboard boxes, articles of cardboard or cellulose, books, blanks, scrap, or printed (* to 58 per cent).
437. newspapers and periodicals,* engravings, prints, lithographs, chromos, labels, and designs of all kinds, calendars, advertisements, etc., photographs,* maps and charts,* music, engraved or printed,* pipes and tubes, etc. (20 to 25 per cent).
438. Imitation leather (29* per cent).
439. Straps for wooden clogs of skins or leather (19* per cent).
440. Clogs of all kinds, of skins or leather (50 per cent).
441. Saddles of all kinds (33½ per cent) and articles of saddlery (18* per cent).

442. Harness makers' wares (16½ per cent).
443. Sheets and strips of leather for cards (43 per cent).
444. Trunks of wood or pasteboard, covered with leather (19 per cent).
445. All small articles of morocco or other leather (20 to 25 per cent).
446. Covers for photographic albums (18 per cent).
447. Photographic albums, complete (20 per cent).
Other manufactures of leather not excepted (33½ per cent).
448. Peltries and furs, prepared or in sewn pieces, or made up into common or fine articles (* to 20 per cent).
449. Goldsmiths' wares, jewelry (50 per cent); coins, of gold, silver, platinum, or base metals, including articles of gilt or silvered by any process (16½ to 33½ per cent); imitation jewelry or pinchbeck, plated and silvered wares, articles of nickel, pure or nickel-plated (16½ to 33½ per cent to 50 per cent).
450. Watches, mounts, and cases, of all kinds, chronographs, pedometers, pocket counters, clocks, electrometers, water and gas meters, all measuring apparatus fitted with clockwork, tower clocks, wooden clocks, chimes, musical boxes, etc. (25, 37½, 40, 50, to 65, 70, 75, and 86 per cent).
451. Machines and machinery, including steam and other engines (33½ per cent); stationary, portable (23 per cent); traction, locomotive, etc. (25 to 48 per cent).
452. Hydraulic engines, wheel and piston; turbines, pumps, ventilators, etc. (33½, 40, 46 per cent).
453. Tenders for locomotives (33½ per cent).
454. Machines for setting sheets and filets of cards (33½ per cent).
455. carding machines (33½ per cent).
456. for cleaning, opening, and preparing flax, wool, cotton, etc. (33½ per cent).
457. throstles, complete, for spinning and twisting (33½ per cent).
458. spinning looms, mule jennies, etc. (40 per cent).
459. weaving looms (33½ per cent).
460. knitting machines (32½ per cent).
461. bobbinet and lace-making machines (50 per cent).
paper-making machines (46½ per cent).
462. printing machines (25 per cent).
463. agricultural machines (40 per cent).
464. sewing machines (30 per cent).
465. sewing-machine stands and transmission gearing (20 per cent).
466. General machinery: Transmission gearing, balances, scales, fixed railway stock, signals, presses, lifting apparatus, etc. (33½ per cent).
467. Boilers, steam of all kinds, and parts of (22 to 25 per cent).
468. Open boilers, gasometers, recipients (33½ per cent).
469. Stoves and caloriferes of sheet iron or steel, or of cast iron combined with sheet iron or steel (33½ per cent).
470. Sugar machinery, heating apparatus for breweries, distilleries, perfumeries, pharmacies, or kitchens (20, 33½ per cent).
471. Refrigerating apparatus (16½, 30 per cent).
472. Detached parts of machines, including sheets and filets of cards, of leather, fitted with teeth of iron or steel, teeth for sleys of iron or copper, sleys, mountings and combs for weaving, of iron or copper, detached pieces of cast and wrought iron, or of steel, of copper or of copper alloy (brasses, cocks, etc.), springs of wrought steel, for carriages, locomotives or railway carriages (20, 25, 28, 30, 33½, 40, 47½ per cent).
473. Tools, with or without handles, of iron (33½ per cent), steel (33½ per cent), copper (14.3 per cent) or mixed metal.
474. Printing type, of all kinds (new, 11 per cent; old, 25 per cent).
475. Stereotype plates, with or without designs.*
476. Engraved plates and dyes for printing on paper.*
477. Wire gauze, of iron or steel (30 to 35 per cent), copper or brass (33½ per cent).
478. Wire netting, of iron or steel (33½ per cent).
479. Perforated sheets of iron, steel, copper, brass, zinc, and other metals (5 to 23 per cent).
480. Sewing needles and needles for sewing machines (14 to 16½ per cent).
481. Fancy needles for bobbinet, lace, knitting machines, etc. (25 per cent).
482. Knitting needles, and other similar articles, of steel, iron, or copper (40 per cent).
483. Crochet and embroidery needles, and button hooks (20 per cent).
484. Pins, of brass or iron, tinned, or of steel (26.6 per cent).

485. Clasps of dresses, of iron, varnished or tinned, of brass, yellow or white (26.9 per cent).
486. Fish hooks (28 per cent).
487. Pens of metal other than gold or silver (25 per cent).
488. Cutlery, common or fine, including scissors, shears (33½ per cent); knives, with handles of ivory or mother-of-pearl, or not (20 to 25 per cent).
489. Cylinders of copper or brass, for printing (25 per cent).
490. Statues of metal, of a natural size or larger (reduction of metal employed).
491. Articles of cast iron, including railway chairs (16½ per cent); plates or other castings, straight cylindrical pipes, beams and columns, solid or hollow, gas retorts, solid bars and sets thereof, grates and hearth plates, and other similar rough castings (12½ to 16½ per cent).
492. Articles of cast iron: Iron castings for machinery or for ornament (25 to 33½ per cent).
493. Pots, kitchen utensils, and other articles, tinned, enameled, or varnished articles (20 to 33½ per cent).
494. Iron wares, including buildings of iron or steel; parts of bridges; fixed or movable framework for buildings, etc., for sluice gates, for cranes, etc., for portable railways, and, in general, all objects composed of one or more pieces bored or adjusted or fitted together with rivets or bolts; small articles of iron or steel, grating, barriers for level crossings, frames for marquees, for hothouses, for kiosks, verandas, fixed or movable frames, window frames, fitted or not, shutters of sheet iron for shops, etc. (25 to 33½ per cent.)
495. Iron work for carriages, and especially such as enters into the construction of railway rolling stock, etc. (33½ per cent).
496. Locksmiths' wares, including locks, padlocks, keys, iron bolts of all kinds, handles, hooks, hinges of iron or sheet iron, latches, slide bolts, and all other articles of rough iron, copper, brass, or combination of the same, scoured or not, turned, filed, or polished, for furniture, doors, and windows (20 to 25 per cent).
497. Anchors, cables, and chains, including cables of iron or steel wire, barbed-wire fence, anchors, railway buffers, couplings, and chain cables of iron or steel (28 to 33½ per cent).
498. Busks and springs for personal attire, of steel, polished or varnished (16½ per cent).
499. Umbrella frames without the handle (25 per cent).
500. Nails, including horseshoe nails (25 to 33½ per cent).
501. wire nails of iron or steel, and other nails (31 to 46 per cent).
502. Screws, eyebolts, iron hooks, bolts, rivets, and nuts of iron, polished, turned, threaded, varnished, or coated with any preparation (30 per cent).
503. Mechanical stoppers of white or colored porcelain heads, and iron or steel wire, with or without india rubber rings (28½ per cent).
504. Tubes of iron or steel, not welded, bored, lap-welded, or butt-welded, and jointings of all kinds (20 to 33½ per cent).
505. Household wares and other articles of iron, steel, or of black sheet iron, of all kinds, painted, polished, varnished, enameled, tinned, printed in colors, or not (12½ to 25 per cent).
506. Coffee mills with stands of wood or of metal. Meat presses, meat cutters, fruit presses, small household pumps, etc. (20 per cent).
507. Apparatus for water-closets, lever or balance, water tanks for flushing the same (24 per cent).
508. Buckles for saddlery, fittings and accessories for harness, of iron, malleable iron, or cast steel (43 per cent).
509. Articles of copper or copper alloyed with zinc or tin, including coppersmiths' wares, needles of copper, tubes of all kinds, objects of art and ornament, enamels inlaid with metal lines or bronze (33½ per cent).
510. Lamp makers and tinsmiths' wares made up of different metals and combined with copper, pure or alloyed, burnished, polished, or varnished, etc. (20 to 25 per cent).
511. Lead pipes and all other manufacturers of lead (18.7 per cent).
512. Electric accumulators (21+ per cent).
513. Zinc manufactures of all kinds (33½ per cent).
514. Articles of nickel, nickel alloys, or of nickeled metals (33½ per cent).
515. Arms of war, rifles, and carbines (16½ per cent).
516. Arms of commerce, including side arms, sporting guns of all kinds, rifles, pistols, revolvers, walking-stick guns, and all parts of the above (16½ to 22 per cent).

517. Guns and gun carriages, of any material (as the metal of which they are composed).
518. Gunpowder (now prohibited).
519. Dynamite.*
520. Percussion caps, including caps or detonators for mines ($6\frac{1}{2}$ per cent).
521. Cartridges (only when empty) ($6\frac{1}{2}$ to 14 per cent).
522. Projectiles (according to metal of composition).
523. Miners' fuses of all kinds ($6\frac{1}{2}$ to 14.3 per cent).
524. Fireworks (20 per cent).
525. Furniture of all kinds (14.3, 18.2, 20, 21, 23, 30, $33\frac{1}{2}$, 36 per cent).
526. Frames, headings, and moldings of wood, rough, plastered, varnished, gilt, plain, carved, or ornamented (23 to $33\frac{1}{2}$ per cent).
527. Casks, empty or serviceable, hooped with wood or iron (20 per cent).
528. Brooms: Of sorghum or camelina, with or without handles (28 to $28\frac{1}{2}$ per cent)
529. Common, of birch, etc., with (20 per cent) or without handles.*
530. Builders and cartwrights' wood, shaped, of hard or soft wood* ($28\frac{1}{2}$ to $33\frac{1}{2}$ per cent).
531. Button molds (13 per cent).
532. Wooden shoes, common (20 per cent), painted or varnished ($16\frac{1}{2}$ per cent).
533. Wood, planed, tongued, or grooved, planks, strips, and veneers for parquetry, of hard ($16\frac{1}{2}$ per cent) or soft wood (30 per cent).
534. Doors, windows, wainscoting, and other carpenters' work, fitted together or not, of hard (20 per cent) or soft wood ($16\frac{1}{2}$ per cent).
535. Small wooden wares, including hoops of white wood, wood shaped for brushes, and small handles for tools (50 per cent), bobbins for spinning and weaving, tubes, skewers, spindles, and reels (25, $33\frac{1}{2}$, and 40 per cent).
536. Wood turners' wares, varnished or not ($33\frac{1}{2}$ to 40 per cent).
537. Shuttles for any kind of weaving or spinning, of wood, finished or not (40 per cent).
538. Handles for agricultural implements* and other articles of wood ($16\frac{1}{2}$ per cent).
539. Musical instruments, including pianos (11 to $16\frac{1}{2}$), organs, harmoniums, instruments with free metallic reeds (23 per cent), church organs, complete or parts thereof (25 per cent), barrel organs, organs with pipes (23 per cent), hand organs and other instruments worked by means of perforated paper or cardboard ($16\frac{1}{2}$ to 23 per cent), bird organs ($33\frac{1}{2}$ per cent), hurdy-gurdies (25 per cent), harps ($33\frac{1}{2}$ per cent), violins, zithers, æolian harps, violoncellos (20 per cent), double basses, guitars, banjos, mandolins, flutes, flageolets, oboes, clarionets, English horns, bassoons, bagpipes, clarions, military trumpets, horns, cornets, hunting horns, saxhorn, trombones, bugles, Chinese bells, large and small and kettle drums, tambourines, timbrels, triangles, metallophones, castanets, cymbals, tom-toms, accordions, concertinas, harmonicas, jewsharps, etc. (20 to $33\frac{1}{2}$ per cent).
540. Accessories and detached parts of musical instruments, including metronomes, apparatus for mechanically playing the harmonium or piano, pedals, bows, mouthpieces, apparatus for stringing up guitars, mandolins, etc., separate parts of organs, wind instruments, etc., various accessories, mouthpieces, music holders, slides, screws, etc ($16\frac{1}{2}$ to 25 per cent).
541. Cardboard and paper perforated for musical instruments (25 per cent).
542. Gut and spun strings for musical instruments ($16\frac{1}{2}$ to 25 per cent).
543. Manufactures of straw, bark, wood, etc. ($33\frac{1}{2}$ per cent), and basket makers' wares, including mats, carpets, hats, cordage, etc. (25 per cent).
544. Carriages of all kinds ($16\frac{1}{2}$ to 22 per cent), including those for railways of all kinds, cycles (12 per cent), carts, wagons (20 to 25 per cent), and carriages for pleasure (12 to 20 per cent), business, agriculture, trade, etc., with or without springs, and parts of the same.
Basket wares (10 to 20 per cent).
545. Vessels, ships, and boats, of all materials, seagoing (60 per cent) or for inland navigation ($16\frac{1}{2}$ to 20 per cent).
546. Rigging and fittings of ships of metal, wood, skin or leather, tissues or cloth, etc., as component material.
547. India-rubber and gutta-percha manufactures, including sheets of india rubber, pure, and threads of vulcanized rubber ($33\frac{1}{2}$ per cent), elastic tissues, all clothing of rubber, boots ($33\frac{1}{2}$ per cent), shoes ($33\frac{1}{2}$ per cent), etc., lined with felt, wool, or stuffs mixed with wool, or cotton belting, hose, valves, and other articles of india rubber or gutta-percha, pure or mixed, combined or not with tissues or other materials (20 to $33\frac{1}{2}$ per cent).
548. Articles of asbestos, spun, felted, woven, or molded, with or without admixture of textile or mixed substances ($28\frac{1}{2}$ per cent).

549. Felt of wool, pure or mixed with cotton, for lining, soles, carpets, for machines and pianos, for paper mills, for clothing, furniture, hangings, boots and shoes (16½ to 22 per cent).
550. Hats of hair or of woolen felt, for men or women, trimmed or untrimmed (16½ to 25 per cent).
551. Hats, caps, bonnets of cloth, of horsehair, or of any other tissue, and caps and bonnets of fur (20 to 25 per cent).
552. Silk hats (20 per cent).
553. Coral, cut, not mounted.*
554. Articles of meerschaum, real or imitation, or of copal, mounted or not, with amber, real or imitation, or with any other material, with or without fittings of metal, in cases or not (14.3, 20, and 25 per cent).
555. Whale fins, cut and prepared (33½ per cent).
556. Imitation whalebone (20 per cent).
557. Scientific instruments and apparatus, including optical, mathematical, surgical, astronomical, of precision, chemical, for the laboratory, etc.*
558. Spectacles, eyeglasses, magnifying glasses, opera glasses, single or double (14.3 per cent).
559. Small wares, of ivory, mother-of-pearl, tortoise shell, and of amber, including combs, billiard balls, piano keys, cigar holders, tobacco pipes and stems thereof, of wood, amber, ivory, tortoise shell, or mother-of-pearl mounting, or with any other mounting; tobacco pipes of wood (20 to 84 per cent).
560. Fans and hand screens of wood and paper, of wood, stuffs, or feathers, mounted or not, of ivory, mother-of-pearl, or tortoise shell, mounted or not (14.3 to 20 per cent).
561. Brush-makers' wares, of wood, with vegetable fiber or whalebone, or with other animal fiber, horsehair, or hair, or with mixed animal and vegetable materials; fine or not, with mountings of bone or horn, metal, tortoise shell, or ivory, or not (20, 25, and 50 per cent).
562. Buttons, of white or colored porcelain, of black and colored jet, of glass without rims (16½ to 20 per cent).
563. Buttons of metal, with holes or shanks, of copper, tinned, varnished, gilt, silvered; of zinc, of nicked zinc, of tin, of copper or tin alloyed with other common metals, of bone, wood, papier-maché, or other substances, for trousers and shoes (16½ per cent).
564. Fancy buttons of metal, gilt, silvered, oxidized, bronzed or plated, covered with stuffs or lace work, of silk, half silk, wool, cotton, linen, etc., (33½ per cent).
565. Buttons of glass, with rims; of bone, molded; of the ivory nut; of wood, buffalo horn; of bone, turned; of mother-of-pearl, ivory, or shells (14.3 per cent).
566. Toys, games, etc. (20 per cent).
567. Busks and springs of steel, for corsets and other toilet accessories, fitted with clasps and buttons, covered with tissues, leather, or paper (14.3 per cent).
568. Corsets of silk, cotton, woolen, linen, or hemp tissues, plain or trimmed, with or without ribs (20 to 25 per cent).
569. Matches, chemical and wood prepared matches, when imported for account of the monopoly.*
570. Hair, human, worked.*
571. Articles of fashion.*
572. Artificial flowers.*
573. Umbrellas and parasols, of cotton (50 per cent), alpaca (33½ per cent), or silk (20+ per cent).
574. Articles for collections, not suitable for commerce.*

STATEMENT MADE BEFORE SENATOR DAVIS, AS SUBCOMMITTEE OF THE COMMITTEE ON FOREIGN RELATIONS OF THE UNITED STATES SENATE, BY A COMMITTEE REPRESENTING THE AGRICULTURAL IMPLEMENTS ASSOCIATION OF THE UNITED STATES.

STATEMENT OF MR. JAMES DEERING.

MR. DEERING. Mr. Chairman, the manufacturers of agricultural implements and vehicles, representing some three or four hundreds of millions of capital, are represented by this committee. If I had understood that we were to have such a privilege as you have granted us I should have come prepared to speak more by the book than I now can offhand. I can, however, speak somewhat accurately of my own industry and business. We manufacture harvesting machinery, self-binders, mowers, reapers, etc. The French tariff, as we all know, is one of a maximum and minimum tariff. Harvesting machinery is dutiable under the maximum tariff, at 15 francs per kilogram.

SENATOR DAVIS. Please put that in American money and measures.

MR. DEERING. That is 15 francs, roughly speaking, \$3 for 220 pounds. The minimum tariff on the same manufactures is 9 francs, or \$1.80, for 220 pounds. This minimum tariff has been granted to Germany, England, Belgium, and other nations—all nations, I believe, except Portugal. On the self-binder, a machine which goes into the harvest and cuts and binds the grain and delivers it in sheaves, the difference in the tariff is \$9 per machine as between the maximum and minimum tariff. In other words, our competitors in England may send machines of this class, and do actually send such machines, into France at a difference of \$9 in cost to the French purchaser.

SENATOR DAVIS. What do you charge for that machine?

MR. DEERING. The price of the machine to the French jobber, the first purchaser from us, is \$100, so that the difference in favor of the British manufacturer is about 10 per cent, while, of course, the British manufacturer has the advantage of nearness to his markets in addition to that—the exact difference in freights I am unable to state, nor what advantage, if any, the English manufacturer may have in this particular. A harvesting machine of this class weighs about 1,500 pounds. The differences made in the tariff by the French schedule run, as I understand it, on all agricultural implements about as in this case, so that a mowing machine, which weighs about 700, pounds would pay, under the maximum tariff, about one-half, so that the difference between the maximum and minimum tariff on that machine would be about one-half of the difference in the case of the harvesting machine.

SENATOR DAVIS. I understand the per cent is uniform throughout the range.

Mr. DEERING. Yes, sir; so that the advantage gained by the English manufacturer on that machine would be about \$4.50.

Senator DAVIS. Does that difference of per cent run through all the kinds of agricultural machinery and implements, including the primitive kind of plow and hoe, etc.?

Mr. DEERING. I think it does.

Senator DAVIS. Everything in the line of agricultural implements that we make has just about that general difference?

Mr. DEERING. I think that is the case. I will add this further statement, that the competition that the American manufacturer of harvesting machinery meets in France is almost entirely from Great Britain, which nation has the advantage of the minimum tariff. In spite of the advantage that the British manufacturers have, the American manufacturers are able to do so large a business with France that the putting into force of this treaty would result, to the harvesting manufacturers of this country alone, in a saving to their customers of \$100,000 per annum. The manufacturers of agricultural implements whom we represent here estimate that their customers would save in duties on American agricultural implements about \$127,000 per annum if the treaty were to go into effect.

Senator DAVIS. What do you charge for a reaper?

Mr. DEERING. The self-binder is \$100.

Senator DAVIS. In France?

Mr. DEERING. In New York.

Senator DAVIS. To the French jobber?

Mr. DEERING. Yes, sir.

Senator DAVIS. What do you charge the American jobber?

Mr. DEERING. Last year, before the large advance in cost of materials, we charged them about \$95.

Senator DAVIS. I asked the question because it has been reported that you sell abroad for less than in this country. Is that so?

Mr. DEERING. Oh, no; not at all. As I said before, I regret that I did not come prepared to make any extended statement out of my own memory of anything except the facts in my own business. The agricultural-implement manufacturers generally know, through investigation of the matter, that they make a quality of goods that would be entirely acceptable to the French people, if it were possible for them, with fewer disadvantages, to get into that market. It is true that the demands of French agriculture are somewhat different from those of American agriculture, and that the American manufacturers, in some lines, have not gone so far in adapting their manufactures to the foreign demand, and, incidentally, to the French demand, as they might have done, and will do with the proper opportunity. The American manufacturers of agricultural implements have been generally, until of late years, so fully occupied in their plants and with their capital in taking care of the home demand that there has not been, generally, that persistent effort to get the foreign trade that has been shown by some other manufacturers, notably those of harvesting machinery. But it is the feeling of the association we represent that we are on the eve, all of we manufacturers of agricultural implements, of pressing harder for the foreign trade.

Our competition, in a general way, in Europe comes from the British and German manufacturers in the larger machinery, and it comes from England in the smaller articles—from Germany in both classes.

Both of these nations have, in France, the advantage of the minimum tariff. From our investigation of this matter we are led to believe—I state this with an object—that the advantages of the reciprocity treaty proposed are largely with America, and that those manufacturers who would be favored by the treaty would be much more benefited financially than those manufacturers of the country who would be injured financially. If it could be shown to us that this was not the case, we would very cheerfully withdraw our plea that the treaty be ratified. I do not know that there is anything more I can say at present without my papers, which I have left at my hotel, unless you have some questions to ask.

Senator DAVIS. You are the president of what organization or association?

Mr. DEERING. I am a member, in the first place, of the executive committee of the National Association of Agricultural Implements and Vehicle Manufacturers, and am chairman of the subcommittee of that executive committee on national legislation.

Senator DAVIS. What is the amount of capital represented by that association?

Mr. DEERING. About \$400,000,000.

Senator DAVIS. What is the annual output?

Mr. DEERING. I think it is estimated at about \$500,000,000.

Senator DAVIS. Is your market with France a growing one?

Mr. DEERING. Very largely.

Senator DAVIS. Have you contracts dependent upon the favorable consideration of this treaty? You need not answer that question unless you wish to.

Mr. DEERING. I shall be very happy to answer. Our agent to whom we sell, and who sells throughout France, is being asked by all his customers at the present time to guarantee them against loss by taking in the machinery at the present time, when they must take in in preparation for the coming harvest.

Senator DAVIS. To guarantee against the difference between the maximum and minimum tariffs?

Mr. DEERING. Yes, sir; and, as I understand, the McCormick Company is in the same position.

Senator DAVIS. They can sell if they guarantee their customers against loss by the difference in tariffs?

Mr. DEERING. Yes, sir; there is one other thing I would like to add. The last few years—five years—have shown a wonderful increase in the demand from Europe for American agricultural machinery, and especially perhaps for harvesting machinery. It is a fact that the increasing industrial prosperity in all of Europe, including Great Britain, has been causing the agricultural laborers to go to the centers of industry, with the result that in many countries of Europe, where formerly it was cheaper to harvest the crops by hand and to work the soil with primitive implements, it has now become a matter of necessity that the proprietors of the soil should have modern labor-saving machinery and implements. In the past four years, speaking without the figures before me, but as a branch of the agricultural-implement business, of which I know something, I should say the increase in the export of harvesting machinery has not been less in any year than 50 to 60 per cent of the previous year's business.

Senator DAVIS. That is for all Europe?

Mr. DEERING. Yes, sir.

Senator DAVIS. That includes Lombardy and Hungary and Russia and all the centers of agricultural production?

Mr. DEERING. Hungary has been one of the most backward countries in taking this machinery, but a year or two ago, perhaps two harvests ago, they had a very serious strike of agricultural laborers, and since then our business has grown very largely.

Senator DAVIS. How is it in Russia?

Mr. DEERING. Ever since I have known about it—I was there in 1885—it has been a country of very great promise unfulfilled. We were all believing that Russia was on the eve of becoming a large customer for American agricultural implements, and so indeed it is, but when the extent of territory is compared with the extent of the trade, it is very disappointing. Nevertheless, the Trans-Siberian Railroad is going to open a vast territory not at all unlike the Dakotas, adapted in every way for the raising of wheat, and the demand for American agricultural implements in that country can not fail to be large. The German market is about as large—somewhat larger, in fact, than the French market.

Senator DAVIS. Can you tell me, with approximate accuracy, the total of exports of agricultural implements to Europe last year?

Mr. DEERING. The total was \$1,781,000.

Senator DAVIS. How much the year before?

Mr. DEERING. I can not tell.

Senator DAVIS. To all Europe?

Mr. DEERING. Oh, I beg pardon; no—to France alone. I can not tell what it was to all Europe; to all the world it was about \$12,000,000.

Senator DAVIS. Of that, what proportion would you suppose went to Europe?

Mr. DEERING. About \$7,500,000; I should say, roughly speaking, \$8,000,000.

Senator DAVIS. Is that all that occurs to you just now?

Mr. DEERING. Yes, sir; if anything more should occur to me, have I permission to speak of it later?

Senator DAVIS. Certainly.

Mr. DEERING. In response to your kind permission, I wish to say we are present in Washington to represent some of these interests, not simply because each interest represented believes that it will be benefited by the ratification of the treaty, but also in order to learn what reasons are urged against the treaty; and it has been our purpose to say to you and the other Senators that if the balance of interests should clearly appear to be against the ratification of the treaty we should be well content to retire our own interests and acquiesce in the rejection of the treaty.

We believe that the industrial legislation of the country, although sometimes halting and apparently inconsistent, has, on the whole, wisely and strongly protected and developed American manufactures. We believe that the true industrial policy of the country is often obscured by words which come to represent a faith to one and a heresy to another. We believe that for the words "protection," "free trade," and "tariff for revenue only," should be substituted the larger and broader term "the greatest good for the greatest number of American citizens." We believe that with this substitution the people of the country could be brought to unite on an industrial policy that will

conquer the world. Toward this end, nature has done her part, American inventive skill has done its part, American capital has done its part, and above all American labor has also done its part, and we manufacturers believe that the country stands at the dawn of a new era as a manufacturing nation.

The question that we ask ourselves now is whether or not Congress will continue to do its part. If we are to use the term protection, shall it not mean protection for the American manufacturer and the American laborer, whether we find them working to supply the American consumer or the European consumer? Shall it not mean protection abroad as well as at home? We believe that nature has intended this country to be the greatest exporter of manufactured products in the history of the world. All of the preliminary steps have been taken. We are ready to go forth to conquer the industrial world, and we believe that the path to the freedom and equality of American commerce in the markets of the world lies through reciprocity. We believe that it is the manifest destiny of this country, through one history of protection, through another history of reciprocity, to reach the largest measure in volume of foreign commerce that has ever been known in the history of industry.

We manufacturers, upon whom the burden of carrying into execution this destiny has fallen and must fall, will not willingly turn our backs on the door that is opening to us. If our Congress should shut this door in our faces we can not believe that it will be able to find an apology for this action that will satisfy the country. As manufacturers, through our relations with the commercial world, we feel warranted in speaking to you and, we trust, through you to the members of the Committee on Foreign Relations, a word that perhaps we may be justified in calling a word of warning.

We find that under the tariff prevailing from 1883 to 1890, known as the tariff commission law (by reason of the specific duties provided for, and the constantly decreasing price of manufactures), the average rate on dutiable articles increased from the average of 42½ per cent in 1883 to the average of 47 per cent in 1887; and that in this time the average duty on all articles, including the free list, increased from 29.92 to 31.02 per cent. Under the tariff law, known as the McKinley law, the average rate of duty on dutiable articles increased from 46 per cent in 1891 to 50 per cent in 1894. Under the Wilson tariff the average rate of duty on dutiable articles, 41.75 per cent in 1895, increased to 42.41 per cent in 1897. We find that the average rate of duty under the present or Dingley law stood at 49.20 per cent in 1898, to 52.38 per cent in 1899; and that the average rate of duty on all articles imported, including those on the free list, increased from 24.77 per cent in the first year to 29.48 per cent in the next year. Can we believe that this ratio of increase is to continue in succeeding years?

We are credibly informed that the framers of the Dingley tariff had distinctly in their minds the purpose of making a schedule which should permit the making of concessions to foreign nations without injury to American manufacturers. We believe that the present French treaty will reveal the fact that this purpose was wisely carried out. When we are informed that the average concessions in the tariff granted to France is 6.8 per cent and that the average of the concessions granted by France is 48 per cent we can not doubt the wisdom of the Administration in seeking to take advantage of the reciprocity

provision of the Dingley law. We believe that a failure to ratify this treaty would be considered by the people to be a failure on the part of Congress to gather the fruits that our history and this tariff law has prepared for us.

We find in the Republican platform of 1896 the following declaration:

"That protection and reciprocity are twin measures of Republican policy and go hand in hand." We believe that this declaration was accepted by the country as made in good faith, and we believe that good faith on the part of the Republican majority in Congress demands a consistent adherence to this declaration.

We have striven to know both before coming to Washington, and since our arrival here, what are the objections to the treaty? We have been informed that the knit goods manufacturers have been opposed to the ratification of the treaty. We are now informed that of the \$100,000,000 worth of knit goods consumed in the country last year only \$240,000 worth came from France. We have been informed that the manufacturers of pottery and silks were opposed to the ratification of the treaty. We are now told that both industries have admitted that no injury would be suffered by them. We have learned that the manufacturers of spectacles have believed that they would suffer injury, but they were shown that there would still remain to them 88 per cent of the present tariff; they have been satisfied to believe that no injury would come to them. We have been informed that the manufacturers of imitation jewelry object to the ratification of the treaty. We understand that the treaty proposed to reduce the duty from 60 to 57 per cent. We are further informed that the probabilities are that the result of the treaty will increase far more largely the exports of this class of manufactures from the United States to France than they import from France to the United States.

We have heard that opposition to the ratification of the treaty has been based upon the proposed reduction in our tariff on prunes. We find that our exports of prunes to France amount to \$260,000, while the imports of prunes from France to the United States amount to \$14,000. We have understood that manufacturers of chemicals, gloves, and braids have stated that they will be injured by the ratification of the treaty. After an honest effort to learn the facts in the case, we are reduced to the conclusion that in actual working of this treaty the injuries suffered by them would be problematical in every case and imaginary in most cases. We have been therefore forced to conclude that in asking for the ratification of the treaty we are asking for something that does little or no injury to our fellow-manufacturers.

Engaged, as many of us are at the present time, in a commerce that extends into many parts of the world, we are convinced that the whole world is at this moment standing amazed at what the American manufacturers have to offer them. The journals of the world, and especially the trade journals, are filled with proofs to-day of the supremacy of American methods and American machinery. It is safe to say that there is no intelligent manufacturer in the world to-day who is not seeking by every means in his power to learn more of the uses and advantages of American machine tools in turning out the best work at the lowest cost. American locomotives and American railway cars are rapidly being accepted by foreign nations. American agricultural implements imitated by foreigners are the standard of excellence throughout the world. American bridges, American pig iron, American steel, are admitted to be better than any others.

No manufacturer among us and few in the country but have in the last year or two been inundated with visitors from foreign countries, who are coming here to learn the secret of our success. Will they not learn this secret? Will they not find that while we have skilled labor and enterprise of the highest degree we have at the same time a tariff system so inflexible and so hostile to them as to furnish them with the excuse that they desire to keep our manufactures out of their countries? Will they not learn our methods of cheap production and reduce their costs to a point where their discriminating tariffs may readily exclude us from their markets?

Not long ago we had opportunity to see a copy of a memorial addressed by German manufacturers of agricultural implements to the German Government, making what under our own tariff system would be an unanswerable argument for a degree of protection that would efficiently keep out of Germany American agricultural implements. In the last fiscal year the importation into Germany of American agricultural implements was \$1,646,711. What security have we that action of this kind will not be taken by Germany and other European nations if this treaty is not ratified?

Before the enactment of the Dingley tariff the exports of American agricultural machinery to Canada were very trifling. Canada then as now charged a duty of 20 per cent on agricultural implements. The duty charged by this country was 45 per cent. The Canadian manufacturers were able to convince the Canadian consumer that such an inequality of tariffs constituted a good reason for declining to purchase American implements.

When the Dingley tariff was under consideration the House committee was begged by manufacturers of American agricultural implements to reduce the duty to 20 per cent. It nevertheless failed to do so, and it was only by the efforts of these manufacturers before the Senate Finance Committee that was brought about the existing 20 per cent tariff on agricultural implements in the Dingley law. Since that time the imports of American implements into Canada have very largely increased. It is not simply those manufacturing industries having already a market in France which will be benefited by the ratification of this treaty. It is not only the 45,000 producers of crude mineral oils; the tens of thousands of those who in the South raise cotton, from the seed of which is produced cotton-seed oil; not only those who raise tobacco, hogs, cattle, or those who manufacture furniture, those who turn copper and lead into marketable forms, who will be benefited by the ratification of this treaty.

Many industries would gain a market in France which have been kept out of that country by a maximum tariff applied to this country alone; as, for example, sulphate of copper and lead and other products of lead and copper, some forms of iron and steel, notably those manufactured at Birmingham, and many other manufactured articles. The great iron and steel industries of the country will not be satisfied with the growing demand in foreign markets for their products. They will wisely realize, as those of their number represented among us in Washington do realize, that their best foreign market is found in the products into which their consumers turn their iron and steel.

As an example of the benefits that would come from the ratification of this treaty, it may be stated that a mowing machine imported into France from England pays \$6 less duty than one imported from the

United States, while the wholesale price of this machine is \$35. A thrashing machine imported from France into England pays \$45 less than one imported from the United States, while the wholesale price of the machine is \$300.

The growing demands of European industry are taking the agricultural laborers to cities, and labor-saving machinery must be used on the farms. These are made in the United States better than anywhere else in the world. Wherever burdensome tariffs do not exist they will find a market. Many American-made implements are kept out of Europe by an excessive duty. For example, the horse hay-rake, universally used in this country, can not be exported successfully to France, because, while costing the exporter about \$12, the French Government charges a duty on each rake of over \$5. In spite of all the burdens of the French maximum tariff, \$1,800,000 of agricultural implements were exported from this country to France last year, and it is estimated that if this treaty were to be ratified in time the French consumers would pay in the year 1900 \$127,000 less for American agricultural implements than will otherwise be the case. With all of the influx of agricultural labor to the manufacturing centers in Europe, factory hands are still short in some places. American labor-saving tools and machinery are being purchased, and would be purchased to a still larger extent under the influence of such reduction in foreign tariffs as are made by the present treaty.

Since we have been in Washington we have heard it objected that the tariff schedules of the United States should not be fixed by treaty. Without disputing the correctness of this general principle, we maintain that no amount of legislative action could be effective in the case of the French system of a maximum and minimum tariff. This system can be made to yield its advantages only by means of the treaty-making power.

STATEMENT OF MR. FRENCH ON BEHALF OF THE IRON AND STEEL MANUFACTURERS.

Mr. FRENCH. I am myself a large manufacturer of iron and steel products, being connected with the Republic Iron and Steel Company and the Bittendorf Company, a large producer of the raw material and of the finished product. The iron industry, which is the largest export at present outside of that which comes directly from the produce of the soil, is now in a condition where it would be delighted to have reciprocity with the world, and therefore it is in favor of commencing with that with France, which seems to be the least objectionable from a political standpoint of all the reciprocity treaties brought forward.

The manufacturers of iron in this country believe that the market of the world is theirs, and are, therefore, in favor of any treaty which will enable them to put their wares into all nations at the minimum rate of tariff. It will be a good thing for the people, as it will remove any temptation for the iron manufacturer, during a periodical boom time, to take advantage of a tariff which might exist as it is now existing. They believe they are entitled to this because the Republican party pledged itself at St. Louis by stating that protection and reciprocity were twin sisters. Now they ask that the Republican party redeem the pledge made at St. Louis.

STATEMENT MADE TO SENATOR DAVIS, AS SUBCOMMITTEE OF THE COMMITTEE ON FOREIGN RELATIONS OF THE UNITED STATES SENATE, ON FEBRUARY 21, 1900, BY MR. W. H. ALEXANDER, SPECIAL AGENT AMERICAN SMELTING AND REFINING COMPANY.

Mr. ALEXANDER. I do not desire to trespass upon your time and patience in connection with the proposed Treaty of Reciprocity between this Republic and the Republic of France, as framed and presented by their respective plenipotentiaries, but in accordance with suggestions from members of your honorable committee I will make a brief statement of facts, as they appear to my firms, relating to the large industrial interests with which they are directly connected.

First. As we understand them the terms and provisions of section 4 of the tariff act of July 24, 1897, are as much a part of said act and as binding upon the Government for their performance as are the schedules of duties and the free list in sections 1 and 2 of said act.

The passage of the bill itself was made possible only by the promise of relief in commercial lines, as fully set forth in sections 3 and 4, whenever, in the judgment of the President and Senate, such reciprocal arrangements could be advantageously effected.

Through his special plenipotentiary, Hon. John A. Kasson, the President has voiced his judgment concerning reciprocity with France, and an elaborate and favorable treaty, secured after long, and at times discouraging negotiations, has been agreed upon by the two commissioners, and presented for your consideration.

The concessions received preponderate so conspicuously over concessions granted by Mr. Kasson, and the industrial, agricultural, and commercial interests affected favorably are so overwhelmingly in excess of those which may in some measure be adversely affected as to make the treaty's ratification a national blessing.

We have found no instance in the treaty as presented where an American industry of any sort has been asked to accept a hardship by reason of reduced protection. On the contrary, the commissioner has exercised rare judgment in adjusting his concessions, and wherever a reduction appears it leaves behind it a duty in force sufficiently high for full and ample protection.

Second. We are large producers; indeed, the principal exporting producers of sulphate of copper and lead in the United States. Against the former commodity a discriminating duty in the ratio of 4 to 3 is now in force in France. That is to say, where duties amounting to 75 francs are laid against it when imported from other countries, 100 francs are assessed if it be imported from the United States. As a direct result, there was exported from this country to France, for the fiscal year ending June 30, 1899 (see Commerce and Navigation Reports, pp. 282), only 280,699 pounds, as against over 6,000,000 pounds to Italy and a total to other countries of nearly 15,000,000 pounds. And yet France is the heaviest consumer of this particular article in Europe.

I desire to say in this connection, that sulphate of copper is produced in this country in excess of home consumption, and that the output for exportation could quickly be increased, without adding materially to present facilities, to at least 40,000,000 pounds, or nearly 300 per cent.

At the present time England gets the principal benefit from French discrimination against sulphate of copper, and very naturally we desire to at least divide that benefit with her. The proposed treaty, if rati-

fied, will enable us to do so. It need not be told to you, except as an expression of my own conviction, that however great the benefits and wise the policy of protection for infant industries, it is none the less clear that, having reaped that benefit, and lifted our great industries to such a position among the producers of the world as to require admission to the world's markets with our overproductions, we are justified in seeking that wise and equally beneficent legislation which will open the way for American products wherever a demand for such products exists.

And surely France, with 40,000,000 of enlightened, progressive, and generous people, is the market par excellence which ought to be opened. Millions will be expended this year by the National Government, corporate institutions, and individuals to give an effective illustration of our wonderful resources at the great exposition in Paris, but of what avail, if ways be not provided whereby we can enter that market on an equal footing with all other nations of the earth?

I desire to state in relation to lead, and the obstacles now in the way of its exportation to France, that there was shipped to our American refineries last year, from Mexico, about 60,000 tons of base bullion, and this tremendous tonnage is likely to be increased in 1900. Refining in Mexico has not yet been attempted except in the smallest way, and it is hoped that our domestic refineries will be able not only to retain the present business, but to accept the increase as well. To do this, exportation is absolutely essential, and when refiners are confronted with the exportation of 70,000 tons of lead, the question of foreign markets is of vital importance.

France, one of the best lead markets in Europe, imposes discriminating duties of 16½ per cent on lead, and of the 70,000 tons exported during the last fiscal year only 4,000 tons were shipped to French ports. The proposed treaty would correct this discrimination and open a splendid market for our surplus lead.

Permit me to say that the two items referred to herein, important as they seem to be, are yet but a small percentage of the tremendous whole which is awaiting admission to France. In due time we are sure that they also will find a voice and the full force of their significance be made apparent to your committee.

We concur in the above statement.

AMERICAN SMELTING AND REFINING Co.,

By BARTON SEWELL, *Vice-President.* -

W. GUGGENHEIMER.

LEWISOHN BROTHERS,

JERRE LEWISOHN, *Assistant General Manager.*

BALBOCI SMELTING AND REFINING Co.,

E. BALBOCI, Jr., *Treasurer.*

BALTIMORE COPPER SMELTING AND REFINING Co.,

WM. KEYSOR, *President.*

MEMORANDA OF FACTS RELATING TO THE PENDING FRENCH TREATY.

ALL but a few American products and manufactures are now subject to the maximum rates of duty in France. All the nations of Europe, except one small country, have by treaty secured the much lower minimum rates in France.

The United States alone among great commercial nations has remained under the much higher rates of the general tariff.

France imported in 1897 of manufactured goods over \$117,000,000 worth. The United States, of this vast amount, could only get in less than \$4,000,000, owing to this high discrimination against us.

Of this small amount, nearly one-half was furnished by the single interest making agricultural machinery. It is a market of forty millions of highly civilized people which this treaty opens to the enterprise of the United States.

COMPARISON OF INTERNATIONAL CONCESSIONS.

The United States tariff act contains 705 numbers; of these, concessions are made on only 126 numbers, reserving 579 numbers untouched.

The French tariff contains 654 numbers; France reserves from the operation of the treaty only 19 articles.

The reduction in reciprocity *authorized* by the Dingley Act is 20 per centum.

Of the United States imports from France (1898), amounting to \$25,504,443, affected by concessions offered by the United States in the treaty—

The concession of 20 per cent applies to only	\$1, 444, 186
The concession of 15 per cent applies to only	968, 767
The concession of 10 per cent applies to	5, 971, 207
And the concession of 5 per cent applies to	17, 120, 283

Thus it will be observed the average reduction of duties made by the United States is far within the limit fixed by the tariff law, being only 6.8 per centum; while the average reduction made by France, excluding mineral and vegetable oils, is 26.1 per centum, and including these oils is 48 per centum. In every case of reduction of our duty a real protective duty remains upon the article.

The treaty guarantees to all the products of the soil or industry of the United States (with the few exceptions named) the enjoyment of the lowest rates of customs duty payable upon entry into France or Algeria from any country—a reduction from the present maximum rates, ranging in a few instances as high as 100 per centum of the present duties, and averaging from 26 to 48 per centum.

France is thus prevented from giving a lower rate of duty upon any article or articles to another nation that does not immediately inure to the benefit of American exporters.

There are only 19 United States articles excepted from the advantages of the treaty. These are mentioned specifically; many of them,

such as horses, fodder, sugar, chicory, eggs, honey, porcelain, lucern seed, etc., are of no importance in our export trade to that country.

Among the many United States interests specially benefited are the following:

Among agricultural products: Breadstuffs, meats, fruits, vegetables, etc., in all forms and conditions.

Wines and spirits.

Agricultural implements and machinery of all kinds.

Petroleum (crude, refined, and all its products).

Cotton-seed oil, cake, and meal.

Iron manufactures, including buildings, bridges, and parts thereof.

Wrought iron in all its forms.

Steel in all forms, including rails, structural iron and steel, wire, manufactures, etc.

Copper, lead, and other metals and alloys in bars, plates, sheets, tubes, wire, etc.

Copper sulphate.

Paints, colors, and inks of all kinds.

Starch and soap.

Lumber (rough, dressed, and manufactured).

Wood and wooden ware.

Furniture of all kinds.

Glass and glassware.

Yarns, cord, and cordage of all kinds.

Cotton, wool, and silk and manufactures thereof of all kinds.

Clocks and watches and parts thereof.

Jewelry and imitation jewelry.

Machines and machinery.

Stoves of all kinds and boilers.

Needles, pins, cutlery, tools, etc.

Musical instruments.

Carriages and wagons of all kinds.

Cycles of all kinds.

Locomotives, engines, tenders, cars, and equipment of all kinds for railways and tramways.

And hundreds of other articles.

To enable Senators and Representatives to observe the relation of the pending treaty to the interests of their respective States, there is annexed hereto a list of leading articles of production, arranged by groups of States, which will receive the advantages secured by the convention with France, together with the reductions of duty thereon. The great majority are now excluded from entry into France by the high maximum rates of duty. They will enter under the minimum rates, and thus greatly increase our export trade.

The estimated annual increase of our exports to France, if the treaty is ratified, is from \$20,000,000 to \$30,000,000. Many orders to United States manufacturers are already notified, conditioned upon the ratification of the treaty.

Reductions of duties on following United States goods entering France under pending French treaty.

ARTICLES OF INTEREST TO NEW ENGLAND STATES.

Articles.	Percentage of reduction.
Marble:	
Sawed.....	Free and 20 to 40 per cent.
Finished.....	20 to 25 per cent.
Articles of marble.....	25 per cent.
Tiles.....	20 per cent.
Stone.....	60 per cent.
Lumber and timber.....	28 to 40 per cent.
Shooks, staves, and hoops.....	30 to 40 per cent.
Fish (fresh, dried, smoked, pickled, or canned).....	16½ to 68 per cent.
Textiles and all other manufactures of silk, wool, flax, hemp, etc.....	20 to 66½ per cent.
Jewelry of all kinds.....	16½ to 50 per cent.
Rubber goods.....	20 to 33½ per cent.
Clocks and parts.....	25 to 87½ per cent.
Watches and parts.....	40 to 87½ per cent.
Machinery and tools of all kinds, except dynamos and machine tools.....	33½ per cent.
Turbine and steam engines.....	23 to 46 per cent.
Instruments and apparatus (optical, mathematical, astronomical, surgical, chemical, and of precision).....	Free.
Sewing machines.....	30 per cent.
Cycles and parts.....	12 per cent.
Spectacles, eyeglasses, etc.....	16 to 50 per cent.
Sea and other vessels.....	16½ to 60 per cent.
Tan bark.....	33½ per cent.
Apples, fresh and dried.....	33½ per cent.
Starch.....	18½ per cent.
Paper.....	10½ to 58 per cent.
Paper pulp.....	20 to 33½ per cent.
Cotton cloths and knit goods of cotton a.....	23 per cent.

a Of these a small amount was exported by the United States to France under the maximum tariff.

ARTICLES OF INTEREST TO EAST CENTRAL STATES.

Articles.	Percentage of reduction.
Locomotives and cars and all railway supplies.....	16½ to 48 per cent.
Steam engines and other engines.....	33½ to 46 per cent.
Boilers.....	22 to 33½ per cent.
Wagons and carriages of all kinds.....	16½ to 26 per cent.
Cycles and parts.....	12 per cent.
Lead.....	7 to 16½ per cent.
Paints and colors.....	17 to 28½ per cent.
Copper and alloys (rolled, hammered, wire, and manufactures of).....	Free to 23 per cent.
Copper, sulphate of.....	25 per cent.
Varnishes.....	18½ to 25 per cent.
Sewing machines.....	30 per cent.
Oils.....	20 to 83½ per cent.
Petroleum.....	50 per cent.
Products of petroleum.....	12½ to 50 per cent.
Machinery of all kinds, except dynamos and machine tools.....	33½ per cent.
Stoves.....	33½ per cent.
Iron, except pig, of all kinds and in all shapes.....	5 to 46 per cent.
Steel of all kinds and in all shapes.....	5 to 46 per cent.
Ink.....	20 per cent.
Glassware.....	16½ to 33½ per cent.
Paper.....	16½ to 58 per cent.
Hops.....	33½ per cent.
Brooms.....	20 to 29 per cent.
Musical instruments.....	16½ to 33½ per cent.
Buttons.....	14½ to 33½ per cent.
Brushes, etc. a.....	20 to 50 per cent.
Apples, fresh and dry.....	33½ per cent.
Celluloid.....	50 per cent.
Starch.....	18½ per cent.
Paper pulp.....	20 to 33½ per cent.
Milk (condensed, etc.).....	50 per cent.
Vegetables (fresh, dried, or preserved).....	20 to 25 per cent.
Beer and older.....	25 to 28½ per cent.
Spirits and alcohol.....	12½ to 29 per cent.
Cotton cloths and knit goods of cotton b.....	23 per cent.

a France imported 236,000 francs of brushes for her own consumption, of which 5 per cent came from the United States under maximum rates.

b Of these a small amount was exported by the United States to France under the maximum tariff.

Reductions of duties on following United States goods entering France under pending French treaty—Continued.

ARTICLES OF INTEREST TO CENTRAL WESTERN STATES.

Articles.	Percentage of reduction.
Meats:	
Smoked hams	50 per cent.
Bacon	50 per cent.
Sausage	50 per cent.
Beef, salted	10 per cent.
Preserved in tins	25 per cent.
Meat extracts	25 per cent.
Lard	37½ per cent.
Cash registers	Lowest rates.
Margarin, oleo, and oleomargarine	28 per cent.
Sewing machines	30 per cent.
Agricultural implements and machinery of all kinds	41½ per cent.
Stoves	33½ per cent.
Wagons, carriages, and cars of all kinds	16½ to 28 per cent.
Cycles and parts	12 per cent.
Lumber and timber of all kinds	28 to 40 per cent.
All manufactures of wood	14½ to 60 per cent.
Furniture of all kinds	14½ to 30 per cent.
Apples, fresh and dried	33½ per cent.
Beer	25 per cent.
Coal and coke	Lowest rates.
Watches and clocks and parts thereof	25 to 87½ per cent.
Wheat and grain of all kinds	Lowest rates.
Flour	Lowest rates.

ARTICLES OF INTEREST TO SOUTHERN AND SOUTHWESTERN STATES.

Articles.	Percentage of reduction.
Cotton-seed oil	Lowest rate (50 per cent.).
Turpentine	50 per cent.
Rosin	40 per cent.
Pitch and tar	25 to 40 per cent.
Yellow pine	28 to 40 per cent.
Fertilizers	Free.
Cotton cloths	23 per cent.
Oil cake and meal	Free.
Fruits (fresh, dried, or preserved)	20 to 66½ per cent.
Nuts	100 per cent.
Mules	40 per cent.
Molasses, etc.	20 per cent.
Wool, combed or carded, in the mass, dyed, and noils	20 to 29½ per cent.
Hair	Free to 33½ per cent.
Sponges:	
Prepared	23 per cent.
Other	Lowest rate.
Vegetables (fresh, salted, pickled, preserved, or dried)	20 to 25 per cent.
Iron and steel, except pig iron	5 to 46 per cent.
Coal and coke	Lowest rate.
Nitric acid	100 per cent.
Spirits, brandy, and alcohol	12½ per cent.
Paper pulp	20 to 33½ per cent.

ARTICLES OF INTEREST TO THE PACIFIC STATES.

Articles.	Percentage of reduction.
Oranges and lemons	33½ to 37½ per cent.
Raisins	40 per cent.
Prunes	33½ per cent.
Grapes	25 to 33½ per cent.
Wines	41½ per cent.
Brandy	12½ per cent.
Fruit and vegetables (fresh, dried, canned, or preserved)	20 to 66½ per cent.
Lumber of all kinds, and manufactures thereof	16½ to 60 per cent.
Iron and steel ships	16½ to 60 per cent.
Hops	33½ per cent.
Copper, beyond the first fusion	23 per cent.
Lead	7 to 16½ per cent.
Fish (smoked, pickled, preserved, tinned, or canned)	16½ to 66½ per cent.
Paper pulp	20 to 33½ per cent.
Borax	Free to 20 per cent.
Nuts	100 per cent.
Wheat and grain of all kinds	Lowest rate.
Flour	Lowest rate.

United States products of the farm and soil obtaining reductions of French duties.

	Percentage of reduction.
Mules	40
Pigs of various weights.....	33½ to 50
Meats:	
Salted, except pork.....	10
Pork butchers' produce (smoked hams, bacons, sausage, etc.).....	50
Preserved in tins	25
Extracts of.....	25
Wools:	
In the mass, dyed.....	23
Noils, dyed	23
Combed or carded—	
Dyed.....	20
Not dyed	29½
Hair:	
Combed or carded	33½
In hanks	33½
Horsehair, prepared or carded.....	33½
Bed feathers.....	16½
Lard	37½
Margarin, oleomargarine, alimentary fats, etc.....	28
Grease from hides	14½
Beeswax	33½
Milk (condensed or not, with or without sugar)	50
Bone black, animal black	33½
Horns of cattle, prepared or in sheets	25
Semolina, macaroni, etc.....	15
Lemons, oranges, cedrats, limes, etc.....	37½
Mandarin oranges	33½
Hothouse grapes and fruits.....	25
Apples and pears:	
Table	33½
For cider.....	25
Raisins	40
Figs	66½
Apples and pears, dried	33½
Almonds and hazelnuts	50
Prunes	33½
Nuts, shelled or not.....	100
Other dried fruits	66½
Fruits:	
Candied or preserved, in spirits, sugar, or honey.....	20
Otherwise preserved	20
For distilling.....	25
Raisins for distilling	37½
Molasses:	
For distillery purposes, including exosmotic waters	16½
All other molasses.....	20
Sirups, bonbons, candied fruits	5
Oils:	
Olive.....	33½ to 40
Castor	83½
Colza, mustard seed, poppy seed, and rape seed	20
Other fixed oils, not elsewhere specified in tariff.....	20
Scented	20
Volatile oils or essences:	
Of rose.....	33½
Of rose geranium.....	50
All other	50
Buds and resins, raw; pitch, cakes of resin, etc.....	40
Tar	25
Spirits of turpentine	50
Herbs, flowers, and leaves.....	20
Flowers of the mallow, rue, marjoram, sage, mullein, mint, camomile, elder flower, basil, savory, soapwort, etc.....	20
Peels and barks (lemon, orange, and other peels of fruits of the citrus family).....	30

United States products of the farm and soil obtaining reductions of French duties—
Continued.

	Percentage of reduction
Wood:	
Logs	35
Lumber	28 to 33½
Paving blocks	30
Stave wood	40
Splints	25
Hoop wood and prepared poles	30
Perches, poles, and stails	33½
Chemically prepared	33½
Charcoal	23½
Straw or wool of wood	33½
Cabinetmakers' wood	33½
Cotton, carded	25
Hemp, combed	33½
Osiers:	
Raw	25
Stripped	16½
Tan bark, ground or not	33½
Other material for tanning	33½
Vegetables:	
Fresh	25
Salted or pickled	20
Preserved or dried	20
Hops	33½
Beet root, dried	33½
Broom-corn straw	50
Cellulose (wood) pulp:	
Dried or moist	33½
Chemical	20
Nursery and hothouse plants and shrubs	10
Wines, exclusively the product of fermentation of fresh grapes	41½
Vinegar	25
Cider and perry	28½
Orange wine	41½
Kaolin	30
Extracts of chestnut wood and other tannic vegetable saps, liquid or solid	40
Extracts of dyewoods and of other tinctorial products	50
Ochers	28½
Chicory, roasted or ground	20
Starch	18½
Fecula of potatoes, maize, etc.	20

All other agricultural productions—grains, flours or meals, etc.—are guaranteed the lowest rates of duty now granted or which may hereafter be granted to similar articles of any other country.

The average percentage of reduction on 96 articles, products of the soil and of agricultural interests generally, is a little over 32 per cent of the existing duties.

**WHY UNITED STATES EXPORTS TO FRANCE MUST BE VERY
LARGELY INCREASED AFTER RATIFICATION OF THE PENDING
FRENCH CONVENTION.**

In order to show the great importance to American industries of opening the French market to them on equal terms, the following facts are presented from the French statistics of imports for consumption (1898):

Of the merchandise from all countries imported free (excepting silk and wool) for French consumption, amounting (1898) to 602,759,000 francs, the United States—competing on equal terms—furnished 36 per cent, or over one-third.

Of the dutiable merchandise imported into France from the world, and in which the United States enjoyed an equal competition under the same rate of duty—amounting to a total of 877,074,000 francs—the United States furnished 35.3 per cent.

Of dutiable merchandise imported by France from the world, and which was subject to a maximum and minimum rate, and where the United States was obliged to compete under the maximum rate while other nations had the minimum rate—amounting to about 2,165,000,000 francs (1898)—the United States was able to supply only 1.4 per cent.

The conclusion is inevitable that with minimum rates of duty on these other articles of United States export we ought to furnish France with a vastly increased percentage also of this largest class of her imports if, as in the other classes, our merchandise is admitted on equal terms.

DEPARTMENT OF STATE, WASHINGTON,
OFFICE OF SPECIAL COMMISSIONER PLENIPOTENTIARY,
March 8, 1900.

DEAR SENATOR SEWELL: About the 1st of January you were kind enough to answer an inquiry of mine relating to the French reciprocity treaty, mentioning as objectionable its provisions relating to pottery, tiles, and pearl buttons.

I beg now to state the facts in relation to these articles, as I would have done earlier but for the pressure of business.

Pottery.—Upon this head no concessions are made to France in the treaty.

Tiles.—No concession is made on plain tiles. On ornamented tiles the concession is limited to 10 per cent of the present duty. That is, the treaty duty remaining is equivalent to 65½ per cent ad valorem on tiles valued not exceeding 40 cents per square foot. Over nine-tenths of the small amount we import comes in under this class. On tiles valued above 40 cents per square foot the remaining duty is equivalent to 35½ per cent ad valorem. Our imports of this class are less than \$3,000. Our total imports of both classes from the world (1898) was less than \$29,000—of course only a part of this from France. When the facts were explained to this interest in Ohio, they expressed satisfaction with the treaty.

Pearl buttons.—On pearl buttons the reduction of duty is insignificant, being only 5 per cent of the existing duty and leaving a duty equivalent to 59.45 per cent ad valorem. This seems to be amply protective.

You are also doubtless aware that many other interests of your State will receive under the treaty very much larger reductions of duty on exports to France, finding there a large and profitable new market for their products.

I am, dear Senator, very truly, yours,

JOHN A. KASSON,
Special Commissioner Plenipotentiary.

Hon. W. J. SEWELL,
United States Senate, Washington, D. C.

P. S.—As your State is also interested in the knit-goods industry, I beg to add the following facts:

Our consumption amounts to a little over \$100,000,000 per annum. Of this we import only about \$4,300,000. Of this import we took from France (1898) only \$241,000, the bulk of this coming in under Nos. 318 and 319 of the Dingley tariff. The average protective tariff under the French convention is equivalent to $51\frac{5}{10}$ per cent ad valorem, and upon the chief class of goods imported will be $57\frac{1}{10}$ per cent against French importations.

Germany is our real competitor, not France, and the effect of the treaty is not to increase our total importation, but only to give France a relative advantage in respect to Germany; and it makes no difference to our protected interests whether France or Germany shall send us the small amount we import.

In the advanced stage of our manufacture to-day 50 per cent protection is as effective as 75 per cent would have been eight years ago.

Very truly, yours,

MEMORANDUM RESPECTING THE FRENCH TREATY IN ITS RELATION TO THE JEWELRY TRADE.

The United States duty on these articles in 1883 was 25 per cent ad valorem.

In the McKinley tariff it was 50 per cent ad valorem.

In the Wilson tariff it was 35 per cent ad valorem.

In the Dingley tariff it was 60 per cent ad valorem.

In 1897, France exported to the rest of the world 1,600,110 francs of false jewelry; of this amount over 75 per cent went to England, Germany, and Belgium, leaving about \$80,000 worth to supply the remainder of the world; so small an amount coming to the United States that neither the French nor American statistics report it separately. During the same year France imported 920,093 francs' worth of false jewelry from the rest of the world for home consumption alone, i. e., about 60 per cent as much as she exported.

French statistics for 1897 show that the United States sent to France about 34,000 francs' worth of finished false jewelry, about 14,000 francs of which was for French consumption.

If the United States could send even this amount to France for French consumption under a maximum tariff, why, with reduction of from 20 to 50 per cent of these duties, can we not find a large market for these goods in France?

In fact, this treaty actually opens the French market to the United States jewelry trade, instead of increasing the French export trade to us—

Because all imitation jewelry, properly so called, imported into the United States comes in under tariff No. 434, and is therefore by the treaty subject to a reduction of only 5 per cent of the existing duty—that is to say, the duty now 60 per cent will remain 57 per cent. This is 7 per cent ad valorem higher than that under which the industry flourished during the existence of the McKinley law.

It is evident that the fears of that trade have arisen from an entire misapprehension of the facts and of the treaty provisions.

This trade, like others which submit to the slight reductions made in our duty, should be willing to show some regard for the many hundreds of other industries that will receive through the treaty very great advantages for themselves and for many hundred thousand laborers.

Our industries have reached a point of development where they must have foreign markets open to them, or home reaction from excessive production will produce disaster where prosperity now reigns.

The jewelry interest should further consider the new opening effected by the treaty for the export of watches, watch cases and movements from the United States.

In the year 1897, France imported 33,070,601 francs' worth of watches, cases, and movements, of which 7,639,110 francs' worth was for French consumption. Of these goods imported for consumption, only 182 watch cases are credited to the United States. Under the provisions of the pending French treaty, the United States is granted a reduction of the present duty paid on United States watch movements of from 25 to 65 per cent; upon watches, of from 43 to 87½ per cent; upon watch cases, of from 37½ to 50 per cent.

This trade, already so far advanced as to be making large exports to countries other than France, will not fail to observe the promise of a new market offered by the French convention.

THE PENDING FRENCH TREATY IN ITS RELATION TO THE KNIT-GOODS INDUSTRY.

It is to be remembered that the treaty touches only knit goods of cotton. It does not touch woollen goods. It applies to no other country. Only \$241,000 worth of knit goods was imported from France (1898).

Under the Wilson bill, the tariff number 261 is identical with No. 317 of the Dingley act, both providing a 30 per cent rate; but it is only the usual catch-all paragraph—"not otherwise provided for." Very small amounts come under this 30 per cent clause, only \$13,000 worth from all the world in 1899, of which little, if any, came from France.

The bulk of importation came in under No. 262 of the Wilson tariff at 50 per cent ad valorem, which embraced the description of No. 261, and more. They now come in under the Dingley tariff, not under No. 317 (the n. o. p. clause at 30 per cent), but under Nos. 318 and 319, being much higher rates combined of specific and ad valorem duties.

The average duty on United States imports from the world of knit goods (1898) was about 64.2 per cent ad valorem.

The average protective rate remaining under the treaty, as computed by the Treasury, is 51.5 per cent ad valorem—assuredly sufficient

protection when we once admit that protection does not mean prohibition.

This important industry of the United States has been so prosperous and profitable that it now easily supplies 96 per cent of our total consumption. Not only that, but it is now just beginning to enter into competition abroad on equal terms with the foreign industry. An exporter informed the reciprocity office that some consignments were sent to England in free competition with the world. Even to France a small amount has been sent (as shown by French statistics) under the maximum rate.

Our great advance in cheapening production in this department is not generally understood. Aside from our skill in machinery, cheaper labor abroad is more than balanced by the effectiveness of American labor, as stated by a German manufacturer who moved his machinery from Chemnitz to Pennsylvania and set up his mill there because of our nearly prohibitive duties. He informed the office, in answer to inquiries, that a given working force in Chemnitz turned out 140 dozens *per week*, while an equal working force in his Pennsylvania factory turned out 105 dozens *per day*.

It is no longer an incipient industry in the United States. It is fully developed, supplying (as stated above) 96 per cent of our large consumption, and will soon need foreign outlets for its surplus. Its rapid growth shows its profitable advancement; and in its present condition commanding the market, 50 per cent protective rate is as effective protection as 75 per cent would have been a few years ago.

The present duty, averaged upon *all* importations of cotton knit goods, is 64.2 per cent *ad valorem* (imports of 1898). Under the treaty the average *ad valorem* rate will remain 51.5 per cent. Upon the one largest class of hosiery imported there will remain a duty of 57.1 per cent.

It appears therefore absolutely certain that this industry is not endangered in the least, unless it demands an absolute monopoly against all foreign competition.

Over against this moderation of United States duty is a concession by France to the United States of 25 per cent of the French duty on the same goods.

As France imported (1897) of these goods 35 per cent as much as she exported, it is evident the American manufacturers will have an equal chance in that market under the treaty, and that they will avail themselves of it; for they tried that market even under the maximum rate as early as 1897; and France, under these adverse conditions, then took for consumption about 7,000 francs' worth of our knitting.

It is evident that the advancement of our own manufacture in this trade, as in the iron and steel trades, has done more to give us the control of the market than has the rate of duty; for we imported from the world more under the McKinley tariff than we did under the lower rates of the Wilson tariff, although there was an annual increase in our consumption. The industry is so strongly established that a moderate reduction in duties can have no appreciable effect on the American production which supplies our market.

Our imports from France (1893) under the McKinley tariff were \$444,949; under the lower Wilson tariff they fell (1896) to \$411,583. Foreign imports will continue to decrease in proportion as the home industry advances in perfection and rapidity of manufacture, until we shall export to foreign markets also, as we are already doing in so many other trades. It can not be reasonably disputed that an average protection

of over 50 per cent is ample for the successful development of this large and well-intrenched industry, unless we wish to constitute it a monopoly.

Germany sent us (1898) nine-tenths of our total import from the world of knit goods. And that total import was less than 4 per cent of our consumption. Is not that sufficiently near a monopoly? France is not an important factor in this trade. The concession to France means nothing more than an advantage to her in competition with Germany. It does not concern our industries whether the small amount actually imported comes from France or Germany.

The reduced rate on cotton knit goods leaves them an average rate of protection, ad valorem, higher than that given to most other manufactures of cotton.

The important facts remain that the treaty duty is within the provisions of the Dingley tariff act, and continues to afford to this interest a high rate of protection; and that the United States obtain in reciprocity highly important advantages for a great number of equally important national interests, for which wider markets alone can furnish adequate protection.

CONSULATE-GENERAL OF THE
UNITED STATES OF AMERICA,
Paris, January 23, 1900.

DEAR SIR: It seems to me that it is very important to the American trade with France that the proposed treaty now pending in the Senate should be passed.

I have investigated the opposition made to the treaty in France and am convinced the reason for opposing its adoption by the French authorities is that they believe the United States has much the advantage in the proposed treaty. There is no doubt whatever that this is their judgment of the matter, and knowing as I do that the opposition is based on such belief warrants me in saying that the treaty should be passed.

Of course there may be opposition to its passage in America by certain industries and individuals who are personally interested from a purely personal reason, but it seems clear to me that the American trade with France will be so greatly benefited by the adoption of this treaty that no time should be lost in securing its passage.

I am informed here that it is the agriculturists principally who are causing the opposition in the French Senate. This is certainly a great argument to be properly used in the States in favor of the treaty.

I would be pleased to know your ideas of the matter, knowing you are in touch with all such interests and are no doubt fully advised by those opposed to its passage, giving their reasons for same.

I beg to inclose herewith a resolution made at the annual meeting of the American Chamber of Commerce in Paris, and some statistics which may be of interest.

I am, sir, yours, very truly,

JOHN K. GOWDY,
Consul-General.

Hon. O. K. DAVIS,
Senate Chamber, Washington, D. C.

[From the New York Herald, Paris, January 21, 1900.]

FRANCE'S TRADE WITH AMERICA—UNITED STATES CONSUL-GENERAL SHOWS LARGE INCREASE IN BUSINESS—PROSPECTS ARE VERY FAVORABLE—AMERICAN CHAMBER OF COMMERCE URGES THE RATIFICATION OF RECIPROCITY TREATY—SOME INSTRUCTIVE STATISTICS.

At the sixth annual dinner and meeting of the American Chamber of Commerce, held last evening at the Restaurant Bonvalet, boulevard du Temple, Mr. John K. Gowdy, United States consul-general, made an important statement in regard to the increase in the trade done between France and the United States during 1899. Mr. Gowdy said:

Two years ago, at the annual meeting of the American Chamber of Commerce, you will remember I made a prophecy, in which I said, as exporters you would do more business and export more goods to the United States during 1898 than you did in 1896, when the former tariff law was at its most prominent period. I rejoice to say to you that my prophecy has been fulfilled and that I have a most gratifying report to make to the chamber. Exports from Paris to the United States for the following years, compared with 1899, are. 1899 compared with 1898, increase 31,400,000 francs; 1899 increase over 1897, 26,339,000 francs; 1899 increase over 1896, 39,125,000 francs; 1899 increase over 1895, 9,848,000 francs only; 1899 increase over 1894, 63,374,000 francs.

SOME ELOQUENT FIGURES.

In the year 1899, 92 per cent of your exports were sold before leaving Paris. In 1895, 45 per cent of goods were exported and consigned for future sale for reasons known to every exporter. The successful business man is the one who makes numerous sales and small profits, rather than numerous consignments in anticipated sales and profits never realized.

For the year ending June 30, 1899, France exported to the United States 322,497,000 francs, and imported from the United States 313,963,000 francs, being a balance in favor of France of 8,533,000 francs. These facts give evidence of increasing trade relations between the United States and France.

France, like America, was smiled upon by Providence in 1898 and 1899. Agriculturists have been blessed with bountiful harvests; the factories and workshops are working full time. In some branches of industry France can not supply the demands, and large orders will go to the United States during the next few months for engines, machines, and supplies, aggregating millions of francs.

The United States buys more from Great Britain than any other country, but I am glad to say that the third country on the list of friendly patrons is our sister Republic, France. I believe our friendly commercial relations will increase from year to year. In my judgment our export trade from the United States to France is in its infancy. Even to-day France buys more machinery of the United States than of any other country, notwithstanding her renown for expert engineers. You as exporters are interested in selling French goods to America. Let me urge you to encourage France and her people to buy American goods. No country on earth can furnish her patrons a superior quality of raw material or a better class of manufactured article than the United States. As a representative of the United States it is my greatest desire to promote the interests of my country, and encourage in every way possible our commercial relations with France.

[From the New York Herald, Paris, January 23, 1900.]

ADVANCE OF FRANCO-AMERICAN TRADE.

The American Chamber of Commerce in Paris has in view only the highest commercial interests of both France and the United States when it expresses the hope that the treaty concluded last summer will be promptly ratified by the legislative branches of both Governments.

At the recent annual meeting of the chamber United States Consul General Gowdy gave some striking figures showing the growth in

exports from Paris, France, to the United States. The increase has been steady for several years, and in 1899 amounted to 31,400,000 francs as compared with 1898. As for the export trade from the United States to France the consul-general expressed his belief that it is in its infancy:

Even to-day France buys more machinery of the United States than of any other country, notwithstanding her renown for expert engineers, and no country on earth can furnish her patrons a superior quality of raw material or a better class of manufactured article than the United States.

Among those most competent to judge no doubt is entertained that the effect of the pending treaty will be to give a signal stimulus to Franco-American trade. Unfortunately, its ratification hangs fire both in the Senate at Washington and the ratifying body here, and, curiously enough, the objection brought against it on each side is that it gives the other superior advantages. This may be true in the case of some few minor branches of trade, but it is confidently believed that the general effect of the arrangement will be for the benefit of both countries. As the chamber of commerce recommends, it will be well to ratify the treaty, and if minor defects are shown by experience they can be remedied by amendment.

FRANCO-AMERICAN TREATY OF RECIPROCITY—ADDRESS MADE AND RESOLUTION PRESENTED TO CHAMBER OF COMMERCE, PARIS, FRANCE, BY MR. G. R. OSTHEIMER.

In connection with the report which has just been read, I have been requested by the board of directors to call special attention to the part concerning the Franco-American treaty of reciprocity.

You all know the great interest our chamber has taken in this matter, and the good work it has done. You are doubtless likewise aware that from the time such treaty was proposed it met with serious opposition both in the United States and in France. However, thanks to the energy and ability of those in charge of the negotiations, and perhaps somewhat also to the aid of its partisans both in France and in America, an understanding was reached and a definite agreement signed in July last. It was hoped then that the ratification of this agreement was merely a matter of time and form. However, to our surprise and regret, we learn that there is still some opposition manifested in both countries.

Strange to say, the arguments used by its opponents in France are exactly the same as those put forward in America. In France they claim that the United States will reap the greater benefits from such an agreement, while in the United States they say France will get by far the greater advantages, and thus it is sought to prevent the treaty being ratified in both countries.

In making an agreement of such delicate nature, and as matters of this kind can not be put on the scales to be accurately weighed, it is impossible to establish a basis of absolute equality. Even taking the statistics of past years as a guide, calculations based on these figures are apt to be misleading, for what was true last year may be totally changed this, the next, or in the ensuing years.

We are confident that the agreement as signed was made in a spirit of equity and justice toward both countries, and in the hope and belief that both countries would be equally benefited by same.

It would seem unreasonable that a measure of such vital importance

to the commercial interests of both countries should risk being defeated simply on account of objections on the part of a few industries which think they may suffer in consequence. It appears to us it would be more equitable in a matter of this kind to take into account the opinion of the majority of the commercial communities in both countries, and that this should outweigh the objections of the minority. Then, we ask, would it not be more advisable and in the interest of all concerned to give such a measure at least a fair test, and if it should not prove fully satisfactory it will be an easy matter to amend such agreement, as may be required or justified by practical experience, or equitably claimed by either of the contracting parties.

We know the majority of manufacturers and merchants in the United States, at present so greatly interested in the development of the export trade from their country, strongly favor a commercial treaty, and the American Chamber of Commerce of Paris, composed as it is of over two hundred of the most important firms engaged in the export and import business, feels it is voicing the opinion of the majority of all those engaged in commerce and industry in both France and America in stating that not only does it strongly and earnestly advocate the prompt ratification of such agreement by both Governments, but fears if either or both fail to do this it will be a matter of great regret, and might perhaps seriously hamper future commercial relations between these countries.

I therefore take pleasure in proposing the following resolution:

Whereas, the American Chamber of Commerce of Paris views with great satisfaction the agreement of the Franco-American treaty of reciprocity, as signed on July 24, 1899, by the representatives of both France and America; and

Whereas, in order to become effective such agreement must be approved by the respective Governments within eight months from the date of its signature: now

Therefore be it Resolved, That the American Chamber of Commerce of Paris, in general meeting assembled on January 20, 1900, appreciating the supreme importance of such treaty, and confident that it would tend to greatly develop and increase the commercial relations and exchanges between France and the United States, expresses the earnest hope that both the Governments of France and the United States will promptly ratify said agreement.

NATIONAL ASSOCIATION OF MANUFACTURERS,

Chicago, Ill., February 6, 1900.

Hon. O. K. DAVIS,

United States Senator, Washington, D. C.

MY DEAR SIR: Referring to the Franco-American treaty and its ratification, I desire to add my name to those who feel it greatly for the benefit of our best interests that early action should be taken. I shall appreciate anything that you can do in assisting same.

Yours, very truly,

O. F. QUINCY,
Vice-President for Illinois.

ELIZABETHTOWN, PA., *February 17, 1900.*

DEAR SIR: Noticing the short time remaining to ratify the French reciprocity treaty, we feel it our duty as manufacturers and a protec-

tion to our industry and for the welfare of the American manufacturers in general, and especially so the agricultural implement manufacturers of America.

We ask of you to use your influence and pass your vote and support toward the passing of this treaty.

We feel if this treaty is not passed that there will be a great harm done against the American agricultural implement manufacturers.

We trust to hear at an early date that this has been ratified and that your name will appear on the side upholding this treaty.

Thanking you in advance for your support, which we believe you will do, we beg to remain,

Yours, respectfully,

A. BUCH'S SONS.

Mr. C. K. DAVIS,
Washington, D. C.

WINONA, MINN., *February 14, 1900.*

DEAR SIR: Referring to the reciprocity treaty negotiated last summer between the State Department of this Government and the French ambassador, Mr. Cambon, for the French Government, and which is now, as I read, in the hands of the Senate Committee on Foreign Relations, I believe that if you can vote for the ratification of this treaty you will be doing that which is for the best good of your constituency in this great agricultural State, for we believe that the more days our factories can run on full time during the year the better will our home market be for our farm produce.

Hoping that the treaty referred to may be duly ratified, I am,

Yours, very truly,

S. L. WRIGHT.

Hon. C. K. DAVIS,
United States Senator, Washington, D. C.

RICHMOND, IND., *February 8, 1900.*

DEAR SIR: We are advised that the French reciprocity treaty will soon be considered by the Senate, and as we are greatly interested in the result of this treaty, believing that if it is ratified it will pave the way for others, many of which will be very desirable, and believing also that everything possible should be done toward encouraging our trade with foreign countries, we write you particularly in regard to this French treaty, and trust that it will receive at your hands careful consideration, and hope that you may conclude that the interests of the United States will be served by ratifying same, and that it may therefore receive your support. Manufacturers of our line of goods, which is agricultural implements, need all of the encouragement possible in the way of trade with foreign countries for the marketing of the surplus products which this country is now turning out.

Thanking you in advance for your careful consideration of this matter, and feeling sure that whatever you do will be considered by you for the best interests of the whole country, we are,

Yours, very truly,

HOOSIER DRILL COMPANY.
JAMES A. GARR, *Vice-President.*

Hon. C. K. DAVIS, M. C., *Washington, D. C.*

MANSFIELD, OHIO, *February 15, 1900.*

DEAR SIR: Having noticed that you are one of the Committee on Foreign Relations, before which the Franco-American treaty has been placed for consideration, I beg to call your attention to a few facts which I hope will lend some influence toward a favorable decision in this matter; and while they are along personal lines, I presume that a multiplicity of experiences of the commercial industries of the country, for or against this treaty, is what finally enables you to form your conclusions in this matter.

Our line of manufacture is confined exclusively to steel harrows, of which we have made a specialty for a number of years, and we cover a very broad field, having found that we are able to sell our goods in every market, except those in which the duties are practically prohibitive.

A few years ago I visited France in the interest of our business, and endeavored to effect an arrangement for introducing our goods in that country. Knowing it to be a splendid agricultural country, we could not understand why it was that we were not able to do business there and our agents were not meeting with success, but I found upon investigating the matter that the home manufacturers had a very large business on our line and a monopoly of the trade, by reason of the fact that the duties prohibited the possibility of an American shipping our class of goods into that country and competing with them. We have a small amount of business in France at present which is no doubt the experience of many other American manufacturers, but with the conditions remaining as they are at present the trade will never amount to much. I found that the merchants there were very favorably inclined toward dealing with the Americans, in fact were so anxious to do so that they were taking American goods and trying to introduce them, notwithstanding the fact that it was without profit and in many cases an absolute loss. Upon inquiry for their reason for so doing, they replied that some day the conditions would change and that these efforts were made with a view to the future. In our particular line I am satisfied that we could do a very large business in France in a very few years, and I might say at once, if this treaty were ratified.

I have talked with many of the agricultural manufacturers in this country, and have been noticing with extreme interest the remarkable increase in exportation of this particular class of manufacture, and it does seem to me that when we recall the fact that only a few years ago the shops making this class of goods throughout this country were obliged to close down for from three to four months during the summer season because of a lack of business to fill in that time, and then at the present and the past two or three years, when most of the shops have been running full time all season and have given employment to a very large number of men which in past years have been thrown out and obliged to seek other avenues of labor and come into competition and cut down the prices of labor, that this matter should receive the careful consideration of every member of this committee to whom it is intrusted for consideration.

I do not believe there is a line of goods manufactured in the United States at present that is in as high favor or capable of being exported to better advantage than agricultural implements, and when the evidence is put before you, as it is undoubtedly being done at the present time, and the advantages that will accrue to this particular industry, I can not see, in all reason, where there is any other line the proportions of which would induce any member of this committee to hold out against it. And it does seem to me that the bulk of the evidence is strongly in its favor.

I trust, therefore, that if you have not already come to a favorable decision that you may be able to see it in what I consider the proper light, and lend your influence toward the ratification of the treaty.

Thanking you for your kind attention, I am, yours, respectfully,

RODERICK LEAN MANUFACTURING COMPANY,
Per E. V. LEAN, *President*.

Hon. C. K. DAVIS,
United States Senate, Washington, D. C.

CHICAGO, *March 5, 1900.*

DEAR SIR: We desire to urge upon you the favorable consideration of the commercial treaty which has been signed between France and the United States, and to express the hope that you will do all you can to secure the ratification of this treaty at an early date. We understand that it is now before the Foreign Relations Committee of the Senate.

The passage of this reciprocity treaty will be an advantage to all the manufacturers of harvesting machinery in this country, for the import duty into France on harvesting machines will thus be reduced about 40 per cent. American machines can then be introduced into France very favorably in competition with those from England and Germany. The farm-implement industry has asked little in the way of protection of any kind, and it would seem that in connection with the present reciprocity treaty some consideration should be given to this important industry.

No doubt you are aware that nearly two-thirds of all the harvesting machines used throughout the world are manufactured in Chicago. The trade of our company alone for the past season has amounted to more than 10,000 harvesting machines. Under favorable considerations there should be a much larger export of the American harvesting machinery, not only to France, but to other foreign countries.

Trusting that you will be able to give this matter the consideration which its importance merits, and that you will be able to aid the ratification of the treaty, we are,

Very truly, yours,

McCORMICK HARVESTING MACHINE COMPANY,
By HAROLD F. McCORMICK.

Hon. CUSHMAN K. DAVIS,
Senate, Washington, D. C.

MILWAUKEE, WIS., *February 8, 1900.*

DEAR SIR: As manufacturers interested in foreign trade, we take the liberty of addressing you in regard to the Franco-American treaty now before the United States Senate for ratification.

We have a foreign trade, not only in France, but in all other European countries and elsewhere, which has cost us a large amount of money and years of effort to establish, and we are particularly anxious that this treaty should be ratified, and that similar treaties with other countries may also be ratified.

We have, therefore, taken the liberty of addressing you, and unless there is some reason not apparent to us why this treaty should not receive your favorable consideration, we sincerely trust that when it

comes up for action before the Senate that you may feel justified in voting for its ratification.

Yours, very respectfully,

MILWAUKEE HARVESTER COMPANY.

Per A. T. VAN SCOY, *Treasurer.*

Hon. C. K. DAVIS,

United States Senator, Washington, D. C.

[Telegram.]

SOUTH BEND, IND., *March 12, 1900.*

To Hon. CUSHMAN K. DAVIS,

United States Senate, Washington, D. C.:

Thank you heartily for your splendid work in favor of French reciprocity treaty. In common with other Indiana manufacturers, we thoroughly appreciate what you are doing for American products and hope you will succeed.

OLIVER CHILLED PLOW WORKS.

AUBURN, N. Y., *March 10, 1900.*

Hon. CUSHMAN K. DAVIS,

Washington, D. C.

MY DEAR SENATOR: Inclosed please find copy of letter which I have written to Senator Aldrich, which will explain itself. The industries referred to in his State are very important ones.

With kind regards, I am yours, very truly,

EDWIN D. METCALF.

If you recall, I saw you at the Senate door with Mr. Deering a moment on this subject.

AUBURN, N. Y., *March 9, 1900.*

MY DEAR SENATOR: Since my conversation with you Wednesday morning I have investigated more thoroughly the French tariff, with a view of ascertaining if you were entirely correct in your views that the trade Mr. Kasson had made with the French commissioners was not a good one; and the more I investigate it the more I am satisfied that he made a remarkably good one. I can not see how we could ask more, when we got all except nineteen articles on their tariff and held back over 400 articles in our own. No one knows better than yourself that every tariff bill is made up of concessions on the part of different interests, and as a whole is never entirely satisfactory to everyone. This is also true of a reciprocity treaty. He could undoubtedly have obtained concessions on the French tariff for machine tools, such as made by Brown & Sharp, Providence Tool Company, and Providence Engine Company, and, in fact, all of the nineteen articles exempted, if he had been willing to have made any concessions in our tariff on woolen goods. But you would not for a moment think of recommending concessions on a tariff which would seriously cripple Charles Fletcher's mills, or the Riverside Woolen Mill at Olneyville, or Jesse Metcalf & Sons' mills at Wainscott, who, by the way, also have a 20-set woolen mill in this city.

I went to Europe this last summer with Mr. Sharp. We were comparing notes as to our foreign business, and he assured me that they were doing a very good foreign business at the present time in some countries, and I have no doubt but that they could get along a year or two longer without this French market, as long as the other markets of Europe are open to them on an equal basis, pending a new treaty which will cover the nineteen articles.

Aside from our commercial interests, it seems to me it would be a great political mistake to defeat all of these treaties, of which so much has been said in the last ten years, the principle of which was placed in the St. Louis platform and the way to accomplish it in the Dingley bill. I know from a letter written by Senator Jones, chairman of the Democratic National Committee, that they are intending to use this with all the force obtainable in the Middle and Western States in the coming campaign.

I have always been a strong protectionist, but the farther I get away from my old home in the New England States the less I find that people care about protection, and unless the New England States meet the Western and Middle States with some concessions, which they are now obliged to do in protecting the woolen industries of the country, there will be trouble ahead for the protectionists. The Central and Western States now feel that they are being taxed for the benefit of these Eastern and Middle States. This French reciprocity treaty benefits very largely the Central and Western States, and even if it does not all that you would like, we trust that you will see your way clear to finally support it and assist in its ratification.

With kind regards, I am, yours, very truly,

EDWIN D. METCALF.

Hon. N. W. ALDRICH,
Washington, D. C.

BOSTON, MASS., *February 15, 1900.*

SIR: Owing to our interest in the French reciprocity treaty we feel moved to respectfully ask you to use your personal influence for the passage of the measure.

Our industry is not only represented in every town throughout Massachusetts, but through our vast organization, in nearly every town throughout the United States and Europe where crops of hay and grain are grown, and in common with the other representative manufacturers in our line we are to-day aiding the farmers throughout the world to a better handling of their crops than ever before.

The passage of the measure in question by the honorable body of which you are a member is of no little interest to us in respect to our relations with France, and we respectfully solicit your interest in our behalf, and ask that you may give our request consideration, made by us as representing an industry than which there are few so far-reaching in their relations with the great body of farmers throughout the civilized world.

We have the honor to remain, very respectfully, yours,

S. E. FARWELL.

Hon. HENRY CABOT LODGE,
United States Senate, Washington, D. C.

CANTON, ILL., *February 17, 1900.*

DEAR SIR: Understanding that during the coming week discussion relative to the French reciprocity treaty will be brought before the House, and, being unable to have our company represented in person, we take the liberty of addressing you herewith, appealing to you for your support of the ratification of the reciprocity treaty with France.

Feeling that at this particular time such would be of boundless benefit to the United States, and knowing that which assists the American manufacturers in building up foreign trade is of vital importance to our country, we therefore urge your favorable consideration and support of the subject.

Assuring you of our appreciation of your efforts in behalf of same, we are, yours truly,

PARLIN & ORENDORFF COMPANY,
By U. G. ORENDORFF,
Secretary and Treasurer.

Hon. C. K. DAVIS,
Washington, D. C.

BELOIT, WIS., *February 6, 1900.*

DEAR SIR: We understand that the Franco-American treaty is again to come up for consideration in the Senate, and we believe there has been some opposition to the ratification of this treaty by parties who are adversely affected. There are, however, greater interests in the other direction, whose business will be benefited by the passage of this and other similar reciprocity treaties, and we trust that you will use your vote and influence in favor of the treaty.

Yours, very truly,

J. THOMPSON & SONS MANUFACTURING COMPANY.

Hon. C. K. DAVIS,
United States Senate, Washington, D. C.

FEBRUARY 19, 1900.

MY DEAR SIR: Among my many business interests I am president of the Ansonia Clock Company, which is the largest manufacturer and exporter of American clocks. The large business which we should naturally have in France is crippled by the discriminations in the present French tariff. German and English clocks are admitted to France on the minimum tariff of 125 francs for 100 kilos, while exporters from the United States pay the maximum tariff of 200 francs for 100 kilos.

This discrimination against American clocks is equal to a full profit and throws the business into German and English hands.

I earnestly hope that the Committee on Foreign Relations will favorably consider the proposed Franco-American reciprocity treaty now in its hands.

We are rapidly becoming an exporting nation and the benefit to the immense number of workingmen in the clock industry would be of the greatest value.

I am, with high regard, very truly yours,

W. E. DODGE.

Hon. CUSHMAN K. DAVIS.

WITHINGTON & COOLEY MFG. CO.,
Jackson, Mich., February 3, 1900.

DEAR SIR: I have yours of the 30th ultimo inclosing a copy of the Franco-American reciprocity treaty, for which I thank you. I note that in the case of American products going into France, instead of the reductions being specifically stated, as in the case of French products coming to America, the provision is that American products shall enjoy the minimum rate of duty imposed on like articles going into France from any other origin. The reduction on agricultural implements by this provision is 40 per cent. Our goods generally, I understand, are differently classed and would enjoy a reduction of 20 per cent. This would be of great benefit to makers of forks, hoes, etc., as we now encounter a competition on these goods going into France from England and Germany as well as from the French makers. I desire to say on behalf of the interests in which I am directly concerned, and also on behalf of the whole body of manufacturers of hoes, forks, garden rakes, etc., in the United States, that we earnestly ask that the treaty be confirmed.

We know that the enactment of the treaty will be of benefit to this branch of industry in the United States, and we also, on broader grounds, believe that the continuing and stable prosperity of this country will more and more depend upon the extent to which it can command the markets of the world.

I send a duplicate of this letter to Senator Burrows.

I hope you can see your way to standing for the confirmation of the treaty.

Very truly yours,
 Hon. JAS. McMILLAN,
United States Senate, Washington, D. C.

W. H. WITHINGTON, *President.*

CONWAY, MO., *February 17, 1900.*

GENTLEMEN: In my opinion it is very much to the interest of the country generally that the treaty be ratified by the Senate of the United States in regard to treaty negotiated last summer by the State Department for this Government and the French ambassador, Mr. Cambon, for the French Government.

I remain, yours for the best for the Government and prosperity for the country.

Yours, truly,

W. O. DOUGLASS.
 SENATE COMMITTEE ON FOREIGN RELATIONS, *Washington.*

PHILADELPHIA, PA., *March 7, 1900.*

DEAR SIR: We desire to add our appeal to the large number you no doubt have received in favor of the ratification of the reciprocity treaty with France.

For many years we have had great difficulty in meeting the competition of the German manufacturers in the French market, by reason of the differential against us in customs. We are employers of nearly 1,000 men, and we have expended large sums of money for the enlargement of our export business during the past thirty years.

As stated above, however, we have not been able to reap the benefits of our expenditures so far as France is concerned. It seems to us as though the proposed treaty with France will place us upon even ground with our German competitors, and if we are on even ground we can make a very strong fight for the trade.

We feel very sure that the benefits to the country at large will be numerous, and we feel equally sure that the disadvantages of the proposed treaty are, at most, insignificant. We therefore hope that you will be able to secure the ratification of this treaty within the time limit.

Thanking you for your consideration, we are, yours, truly,
ENTERPRISE MANUFACTURING CO. OF PENNSYLVANIA,
O. W. ASBURY.

Hon. CUSHMAN K. DAVIS,
Chairman Committee on Foreign Relations,
United States Senate, Washington, D. C.

CHICAGO, *February 16, 1900.*

DEAR SIR: In regard to the reciprocity treaty with France, now under consideration by the Senate, we have to say, in our opinion, it should be ratified, as it will indirectly be of great benefit to us in enabling our customers, who consist of manufacturers of agricultural implements, to export their products, and in that way further develop industry which is of great importance to this country. This industry should control the market of the world. It already has a large share of the world's trade and should have it all, owing to the excellence of the machines made and the facilities enjoyed by the manufacturers to make them at a cost which will enable them to export if prohibitory duties do not interfere.

We do not know how you stand in the matter, but we hope your action will be favorable to it.

Yours, truly,

INLAND STEEL COMPANY,
By G. H. JONES, *President.*

Senator C. K. DAVIS,
Washington, D. C.

ROCKFORD, ILL., *February 16, 1900.*

DEAR SIR: We wish to urge the negotiation of a treaty of commerce between the United States and France in order that American manufacturers may enter the French market on even terms with their European competitors. It appears to us that this country demands the betterment of conditions for securing foreign trade and the enlargement of opportunities for American manufacturers, particularly in the line of machinery.

We would, in the first place, premise as an indisputable fact that the productive capacity of the machinery manufacturing industry in the United States is, under normal or average conditions, considerably greater than the domestic power of consumption. There are, accordingly, two alternatives, either to curtail production or to find larger outlets for the product. The wisdom and value of the latter can not be disputed. If this required any demonstration it was most clearly shown during the worst years of the period of financial and commercial depression, from which we are now happily emerging. The manufacturing

concerns which went through that period with the least loss and embarrassment were those which had earlier perceived the value and necessity of securing wider markets. In our own case we found our export business of very great help, and, not to multiply examples, we will further cite only one other concern, the J. A. Fay & Egan Company, of Cincinnati, the largest manufacturers in the world of wood-working machinery. During the severest years of the hard times they were enabled to keep their full force at work on foreign orders, without which they would have been obliged to close down, and the loss and suffering which would have been entailed, not only to the families of their several hundred workmen, but to the community as well, does not need to be suggested.

There are obstacles in the way of securing export business, some of which can be removed by intelligent effort on the part of the American manufacturer, but there are others beyond his control. Foremost of these are discriminating or hostile tariffs, the operation of which, in the case of continental Europe, has been particularly felt. This leads us to raise the question whether the time has not arrived when the United States can safely and wisely either abolish entirely or greatly reduce its present protective duty of 35 per cent on machinery. It could certainly do so with entire safety, inasmuch as there is practically no machinery imported, nor would there be any more imported if the duty was taken off entirely. The present high rate is useless, either for protection or for the production of revenue. It does, however, invite retaliatory tariffs which are a menace and a hindrance to the expansion of American commerce, and we are therefore strongly of the opinion that the interests of the machinery manufacturing industries in this country would be served by reducing the tariff on machinery to a much lower figure, say, not to exceed 5 or 10 per cent.

The members of this company have always been consistent protectionists, and are now in all cases where American interests are best served by protective duty, but in the line of machinery protection has done its work. The higher intelligence and greater effectiveness of American workmen, better methods of production and a much greater volume of production, caused by the greater purchasing ability of our people, more than offset the lower rate of wages in foreign countries.

Without abandoning the essential principle of a protective tariff, we think it almost certain that the United States, in the growth of its foreign commerce and the development of its relations as a world power, will find it necessary or desirable to make such modifications or changes in its tariff duties as new conditions and more widely extended relations may indicate. In other words, we regard any tariff, whether designed for protection or for revenue, as a means and not an end, and therefore subject to changing conditions.

What we have said regarding the advisability of materially reducing the present tariff on machinery has special reference to the benefit which might be derived as regards continental Europe, for it must be remembered that however much we may extend our commerce, it is only the most advanced nations that use to any considerable extent the higher classes of machinery, and consequently we find and must continue to find our best foreign markets in Great Britain and continental Europe.

In connection with this matter of reduction in the duty on machinery, we wish to give further expression of our very strong conviction that in all cases where trusts or combinations to control any article or commodity in general use are fostered or are made possible by the operation of our existing tariff duties, the duty on such articles should

be taken off, so that foreign competition shall make the successful operation of a trust impossible. We regard such line of action imperative, not only from the broad standpoint of what we conceive to be patriotic citizenship, but also from the narrower, though perhaps none the less vital, consideration of the welfare and continued dominant position of the Republican party. Our party is responsible for the protective tariff and that responsibility it can not evade, even if it wished to do so. If it can be shown that the trusts, which are multiplying on every hand, are made possible by the protective tariff, and if the leaders of the Republican party hesitate to meet this question with vigor and sincerity in the interest of the people, it will be a question of time only when the Republican party and the protective tariff along with it will go down in defeat.

Trusting you will pardon the somewhat excessive length of this communication, we are,

Very respectfully, yours,

W. F. & JOHN BARNES CO.,
By JOHN BARNES, *Secretary*.

Hon. C. K. DAVIS,
Washington, D. C.

GENTLEMEN: We have had called to our attention the great advantages and benefits we are likely to receive if the Franco-American treaty is ratified.

From what we are able to learn, we are greatly in favor of this treaty, and therefore wish to put ourselves on record before the committee as being one of the manufacturers who desire to see it passed.

We remain yours, very truly,

BEMENT, MILES & Co.
NILES-BEMENT-POND Co., *Successors*,
Per E. C. LEWIS.

COMMITTEE ON FOREIGN RELATIONS,
United States Senate, Washington, D. C.

FISKDALE, MASS., *February 7, 1900.*

MY DEAR SIR: The writer is thinking you are one of Committee on Foreign Relations. I have noticed the French reciprocity treaty must be accepted or rejected by Congress on or before March 24, 1900. I notice in the Journal of Commerce the exports of manufactured products in 1899 amounted to nearly \$102,000,000 more in 1899 than in 1897, which is a great help to the manufacturers of the United States. In the small concern which I represent the export trade has increased very much yearly for past ten years. Hoping you will do all in your power to have the treaty ratified, which will open the fields for the manufacturers of the United States,

I remain, your obedient servant,

EMORY L. BATES,
Treasurer of Snell Manufacturing Company.

Hon. H. C. LODGE.

BALDWIN LOCOMOTIVE WORKS,
Philadelphia, February 2, 1900.

SIR: We understand that the reciprocity treaty with France is now before the Committee on Foreign Relations for consideration pending action upon the ratification of the treaty. We are desirous of securing its ratification, and would be glad to have an opportunity to submit our reasons therefor to the committee. If the committee can give us a hearing in the matter, we will thank you to advise us of the time appointed.

France has recently become a large purchaser of American locomotives, and the provisions of this treaty, if ratified, will, no doubt, lead to a large extension of our relations with that country.

Awaiting the favor of your reply, we are, very truly yours,
BURNHAM, WILLIAMS & Co.

Hon. CUSHMAN K. DAVIS,
*Chairman Committee on Foreign Relations,
United States Senate, Washington, D. C.*

UNION OIL COMPANY,
Providence, December 30, 1899.

DEAR SIR: Understanding there is some opposition to the reciprocity treaties now before the Senate, we are desirous of calling to your attention the interest this company has in their passage, and take the liberty of laying before you a few facts in regard to the present condition of the cotton-oil industry, one which we know you have some personal knowledge of from its early days, owing to your long association with our late president, Lyman Klapp. In those days, when Mr. Klapp so often sought and received your needed help in legislation in the National Congress, the total quantity of cotton seed used in manufacturing the oil was considerably less than 100,000 tons yearly, while the present yearly consumption has reached the large figure of 2,000,000 tons, and the present price for same at the mills in the Southern States is \$15 per ton—certainly a wonderful progress to record and the best of evidence of the stability of the business, and one in which this company takes great credit to itself as having been the originator, as it was owing to Mr. Klapp's efforts that the first successful ventures were made here in Providence, and after long years of effort brought to that satisfactory conclusion which has led to a business of its present magnitude and world-wide uses of the oil and meal—the two main products of the seed.

It is also a pleasure to feel that in the great strides made this company has kept in the forefront, our yearly consumption of crude oil averaging 400 barrels per day, an increase during the past thirty years from 25 barrels daily consumption. While the American people are slow to appreciate the advantages of a pure vegetable oil as against their inherited taste for animal fats, we are finding year by year an increased demand in foreign markets, especially those of the Latin races, and in the recent few years we have devoted much time and energy to the introduction of our oil in the States of Central and South America, whose people are naturally oil consumers, and the quality of our oil being entirely satisfactory, we are slowly displacing in those markets the higher-priced oils from Europe, notably olive. The result is that to day we are doing a larger business with foreign markets than in our domestic markets. You will see, therefore, the direct interest which we have in the proposed reciprocity treaties, as well as the

general one of the Yankee's natural proclivities for trading, and we shall be glad to see the new era of wider trade that shall bring added prosperity to this country fostered at all times by favorable treaties.

May we bespeak the favor of your influence to this end, and in view of your knowledge and association, if we may so call it, with the personnel of this company in the past, may we ask you to speak a friendly word to that end to your colleague, Mr. Wetmore, which perhaps will come with more weight from you and with a better grace and courtesy than for us to send a duplicate of this letter, although we shall do ourselves the honor of addressing a short note to Mr. Wetmore, calling his attention to our interests and that we have given you facts somewhat at length.

We shall be glad to see the day come when this country may enjoy a freer trade with the countries in the Western Hemisphere, and it is our deep interest in the same which has induced us to write thus at length, which it is not our desire, however, to make a burden to you.

Yours, truly,

CHARLES C. NICHOLS,
Vice-President.

Hon. NELSON ALDRICH,
Washington, D. C.

NATIONAL TUBE COMPANY,
New York, March 14, 1900.

GENTLEMEN: We are very much interested in the ratification of the reciprocity treaty between France and the United States, which treaty we are informed is now before your committee. The present imports of our line of products to France in butt-welded tubing show exports from the United States of \$800 out of \$30,000, Germany and England selling the bulk. In lap-welded tubing the United States has exported \$2,000 out of \$67,000; in wrought bends, \$5,000 out of \$60,000; and in seamless tubes the inconsiderable valuation of \$12 out of \$200,000.

The French manufacturers in our line of business have entered a protest to the French Government against this treaty, and whatever is bad for them certainly is good for us.

The treaty provides a reduction of the French import tariff in our line of goods of about 25 per cent, and while we should very much prefer to see this reduction heavier, it is a step in the right direction and we sincerely trust that you will record our industry as advocating ratification.

We would further add that we are exporting heavily to the Continent, even to Germany, to Great Britain, and to many of the British Colonies, but France, like Russia, is almost a forbidden country, owing to the present high duties to protect the French manufacturers.

Our present exports are running at the rate of about \$5,000,000 per annum; but you will notice that to France the yearly valuation does not reach \$10,000 out of a total importation of \$350,000.

The figures we have above submitted were obtained from the French consul in New York.

Yours, respectfully,

E. C. CONVERSE,
President.

COMMITTEE ON FOREIGN RELATIONS,
Washington, D. C.

BOSTON, MASS., *March 3, 1900.*

DEAR SIR: We are among the numerous exhibitors at the Paris Exposition, and of course hope to largely increase our foreign trade through this source. To this end we are, as would naturally be supposed, interested in the proposed treaty with France, whereby the present rate of duty would be largely reduced, as we understand it, by about 33½ per cent. We therefore earnestly hope that the treaty will be ratified, and would most respectfully request that your valuable influence will be in this direction.

Our business gives employment to some 100 men, and we presume that the total number employed in other factories making similar lines of goods to ours would not be less than 2,500, all of whom would be directly affected by this treaty.

With the above information before you we sincerely hope that you can consistently use your efforts in the direction as above outlined, for which we would be greatly obliged to you.

Respectfully,

THE ASHTON VALVE Co.,
A. C. ASHTON,
Secretary and Treasurer.

Hon. HENRY CABOT LODGE,
United States Senate, Washington, D. C.

SENECA FALLS, N. Y., *February 1, 1900.*

DEAR SIR: We understand that action will soon be taken relative to proposed commercial treaty with France, and as large manufacturers of machinery we would urge upon you the desirability of having this treaty ratified.

Up to the present time American manufacturers to a large extent have been entirely shut out from the French market because of the high duty imposed. We receive many inquiries for our pumps and machinery from France, but are simply unable to compete with German and other manufacturers because of the high tariff. The few sample orders which we have recently received indicate that more business could be secured if we were on anything like equal footing with other countries. As the matter now stands an embargo is placed upon American manufactures of machinery, and certainly the best interests of our country dictate that this be removed. We trust this side of the question is receiving your consideration and that action may be taken accordingly.

Yours, truly,

THE GOULDS MANUFACTURING Co.

S. S. GOULD, *President.*

Hon. CUSHMAN K. DAVIS,
Chairman of Committee Foreign Affairs,
Washington, D. C.

INDIANAPOLIS, IND., *February 10, 1900.*

DEAR SIR: We write to express the hope that you will find it entirely consistent to support the ratification of the proposed Franco-American treaty.

In our trade with France we are daily confronted with the heavy duty which is imposed upon our class of goods. The proposed Franco-

American treaty makes a very decided reduction in the amount of duty which will be charged against our class of goods for France, and we feel sure that with the reduction in duty our trade with France will be largely increased. We therefore trust that you, as a member of the Committee on Foreign Relations, will feel it to the interest of all American manufacturers that this treaty should be ratified.

Yours, very truly,

CHANDLER & TAYLOR CO.

Hon. C. K. DAVIS, *Senator, Washington, D. C.*

WINONA, MINN., *February 6, 1900.*

DEAR SIR: We hesitate to address you on the subject of the ratification of the Franco-American treaty because of your position on the Committee on Foreign Relations, but we trust you will not consider us presumptuous if we urge you to do what you conscientiously can in favor of this bill. We are so thoroughly convinced that you know best and will do that which is for the best that we simply write you to inform you of the attitude of at least one of the manufacturing industries of Minnesota.

The manufacturers of this country have, within the past three years, so materially increased their capacity that the ordinary home consumption will not absorb their products, and it is a matter of vital importance to secure as large a foreign outlet as possible.

Thanking you for your interest in the matter and trusting you will pardon us for thus addressing you, we are,

Yours, respectfully,

WINONA WAGON CO.

Senator C. K. DAVIS, *Washington, D. C.*

SAGINAW, MICH., *February 12, 1900.*

DEAR SIR: We see by the press that the Franco-American treaty may soon come up for further consideration, and we desire at least to express our wish that the same receive favorable action. As manufacturers of vehicles we are enjoying a rapidly increasing export trade and very naturally are anxious to see everything done to further the same, provided, of course, it does not work too great an injury to some one else, which we do not apprehend in this case.

We hope this treaty will meet with the approval of your best judgment.

Yours, very truly,

THE FARMERS HANDY WAGON COMPANY.
C. M. ROBINS, *Secretary.*

Senator C. K. DAVIS,
Washington, D. C.

SPRINGFIELD, OHIO, *February 13, 1900.*

DEAR SIR: We wish to express our hearty sympathy with the present Franco-American treaty, now pending, and we certainly approve of its ratification. We are heartily interested in happy reciprocal trade relations with all foreign countries.

Trusting much good may result from present Congressional action on that matter, we remain,

Yours, most obediently,

JAMES LEFFEL & Co.

Hon. O. K. DAVIS,

United States Senator, Washington, D. C.

NEW MILFORD, CONN., *March 6, 1900.*

DEAR SIR: We hope that the proposed treaty with France will be ratified. We are particularly interested, as we have some trade in France, but have been unable to make very much progress owing to the almost prohibitory duties on our wood filler, which has been classified by them under the head of mastic. We take it that in the proposed treaty we are cared for under the concession asked for under the heading of paints, although we think that it would have been safer if wood filler and earth paints had been specially mentioned. Our industry has been a growing one, and the number of our employees at present, all men, is 170.

Yours, very truly,

THE BRIDGEPORT WOOD FINISHING COMPANY,
By G. M. BREINIG, *President.*

Hon. JOSEPH R. HAWLEY,

Washington, D. C.

STATEMENTS AND LETTERS IN OPPOSITION TO RATIFICATION.

STATEMENT MADE BY COMMITTEE REPRESENTING THE COTTON-GOODS INDUSTRY OF THE UNITED STATES, IN REGARD TO THE EFFECT ON THAT INDUSTRY OF THE RATIFICATION OF THE FRENCH RECIPROCITY TREATY, BEFORE SENATOR DAVIS, AS A SUBCOMMITTEE OF THE COMMITTEE ON FOREIGN RELATIONS OF THE UNITED STATES SENATE, ON THURSDAY, MARCH 8, 1900.

STATEMENT OF MR. TITUS SHEARD.

Mr. SHEARD. We feel that in coming to you we are talking with one who is at heart with us, and, so far as consistent and proper, will give us hearing and sympathy, and, if necessary, final action in the nature of support. We are the advocates of protection. Our business has grown up under it, and we supposed that, for a time, at least, we had gotten through with these tariff questions, but the way we now view this French reciprocity treaty we feel that it will very much injure our business.

Senator DAVIS. What business do you represent?

Mr. SHEARD. Knit goods.

Senator DAVIS. Knit cotton goods?

Mr. SHEARD. Yes, sir; in fact, we represent knit cotton goods, merino, and woolen goods.

Senator DAVIS. The latter is not touched by this treaty.

Mr. SHEARD. No, sir; but we are very much interested, because while some of us make woolen goods this year, next year we may make cotton goods, and some of us are interested in making absolutely nothing but cotton goods, and we feel that it is an unfair discrimination against our industry to place it at a disadvantage of 20 per cent less duty. France competes with us very largely in balbriggan underwear.

Senator DAVIS. Is that cotton?

Mr. SHEARD. Yes, sir; made from Egyptian yarn—made from Egyptian cotton. We feel that it is a discrimination that we ought not to be called upon to bear. We are making an effort to manufacture a better class of goods than France sends here, and have been doing so for a number of years. The Dingley bill gave us protection, and since the Dingley bill became a law a large number of concerns have started to manufacture the better class of these goods. Much machinery has been imported, and much more is being imported for that purpose.

Of course, we are not fully conversant with the style of manufacture or the economies of manufacturing, so we have to employ

foreign labor and pay very high prices until we can teach our own people how to manipulate the machines, and our own machinists can reproduce the machines, or our own inventive genius give us something better. Until then we have to work on European lines. We have, therefore, no advantage over foreign manufactures, because we have to employ foreign labor and have to pay a larger rate of wages to secure and keep them. So that, so far as the art has progressed since the Dingley bill, we are in no condition to stand any further competition, and we feel that if this treaty is ratified and these advantages given to France it will practically stop all efforts toward the end of manufacturing the better lines of these goods. Then, we feel that this is a sort of entering wedge, and other nations and other countries will naturally want the same or similar conditions. That is the way we feel upon this subject, and we feel it very earnestly, and feel that it is hardly fair treatment toward us. We want only what is fair and right, to be taken care of until we can develop along these lines.

The time may come, as no doubt you feel and we all feel, when we may be able to take care of ourselves, but we can not do it at present. We have seen a circular issued by the Department, and a statement made by Mr. Kasson and Mr. Porter that 94, 95, or 96 per cent of the goods consumed in this country are made here, which is perhaps true. We are not prepared to controvert that, but we are prepared to say that the per cent we do not furnish is comprised largely of high-priced goods, and exactly the kind of goods we have thought our protection principles would enable us to make by and by. The five millions imported may only amount to 6 per cent or 5 or 4 per cent of the whole, but those are the goods we want to get at, and those are the grades we can not make except with the fullest measure of protection the Dingley bill gives us. It is practically a distinct branch of the business. It is what we call full-fashioned goods.

The difference between a full-fashioned and a cut garment is about this: In your country they occasionally shoot small animals called coons, and I have no doubt you have seen them in the country nailed on the barn doors, the skin spread out flat, and when you saw that you knew that if it was brought together it would form the body and legs and tail and head of the animal. The full-fashioned garment is a garment that comes off the machines very much as the skin of that animal, and we bring it together again and it forms a garment. The cut garment is made from a continuous piece of cloth and cut out as a tailor would cut your coat or pants. The full-fashioned garments, which are made and shaped by the machines, have a very large percentage of labor represented in them, and we could not compete with people on the other side except with that measure of protection which would compensate us for the inequality as to advantages and conditions under which we manufacture them. What we want is not to be always manufacturing only the cheap stuff for the millions. We want to develop this industry along the lines of development in any other country, and if any goods are imported from any other country, made from cotton or wool, on any kind of machines, we want to be in condition to compete. It is that class that we want to develop.

While we feel we may be only 5 or 6 per cent, as Mr. Porter and Mr. Kasson say (and they are good authority), it is that percentage we want, and it is a distinct class of goods from the general goods we make. It is that class and that branch we feel is particularly attacked

in this treaty. Our idea of reciprocity was that reciprocity should come to us on lines that should not interfere with our industries. We have understood that that was Mr. Blaine's idea—that reciprocity was consistent with protection, because it would bring in raw materials or other stuffs we did not make, and permit us to give that we did make to other countries which did not make them there. There would be no competition on either side; and we do not think reciprocity is fairly constructed in the present bill, because it brings in the things we compete with, and which we manufacture. It is practically a reduction of the tariff, and, so far as we are concerned, you might just as well have put a 20 per cent less tariff in the Dingley bill.

Senator DAVIS. May I ask you some questions?

Mr. SHEARD. I shall be glad to answer any that I can.

Senator DAVIS. I do not want you to consider that I have an adverse opinion. Let me say frankly to you that, so far as I can recall, this industry is the only important one that has appeared before this committee with a protest. The tile people in Ohio were at first disposed to object to the treaty, but on looking it over they concluded they were not hurt so much, and they afterwards said they could stand it, and would stand it for the general good. Every country in Europe, except Portugal, has a reciprocity treaty with France on precisely these lines. You know the French system as to the maximum and minimum tariffs. The result has been that during the fiscal year that was used for the basis of this treaty—that of 1897-1898, I believe—France imported some \$117,000,000 of manufactured goods; \$41,000,000 from Germany, \$31,000,000 from Great Britain, and only about \$4,000,000 from the United States. Now, the theory upon which this bill was negotiated is that it will enormously increase our exports of manufactured articles. I can see where the shoe pinches with you, but it is supposed that this will possibly raise our trade by \$30,000,000. The agricultural-implement people are as eager for this treaty as can be, and that is the line upon which the advocates of the treaty proceed. Have you any stronger argument than the tile men have? In other words, have you any stronger argument than that you say you are building up an infant industry—

Mr. SHEARD. We do not come exactly under that line. Under the McKinley and other bills we considered that up to the full-fashioned goods, such as I have tried to describe, we were all right; but it is this better class of goods we want to manufacture.

Senator DAVIS. What is your total output of knit goods?

Mr. SHEARD. It is not less than \$150,000,000.

Senator DAVIS. Last year—the year I am speaking of, the fiscal year they proceeded upon in making this treaty—we imported from Germany a little over \$3,000,000 in round numbers, from France \$241,000, and from Great Britain \$116,000. Is that such an awful percentage against you?

Mr. SHEARD. If you could assure us that under this reciprocity treaty there would be no more imported than is now, we would not be here to try and induce you to go contrary to public policy. It is the future we are afraid of, not the past or present, and we believe that this special industry and this special 20 per cent reduction was especially put in there to increase the imports of the future, and they will increase in the future. That is what we are afraid of. If what has been done in the past could only be done in the future, and could

not be exceeded, we would not be here spending our time and your time; but it is what we think will come in.

The tariff is peculiarly constructed. It is in steps. Take goods costing up to \$3 in these French balbriggans, and it is so much a pound, or a dozen, and so much ad valorem. You take the majority of the balbriggan goods used in this country and 99 per cent of them are goods made from these combed yarns, either from our own sea islands, or the Egyptian cotton, and retail at 50 cents a garment. You can get goods that you, or I, or any other gentleman could wish to wear for 50 cents a garment. On that garment the duty is \$1.10 a dozen, and 15 per cent ad valorem. You figure up what the duty is on a dozen, and you see if they can get 20 per cent off it would be 30 to 35 cents a dozen, and they could reduce their cost. If they sell at \$3, on which they pay \$1.10, they would cut down from \$3 to \$2.75, and it would make 20 per cent difference, and as you go up the duties increase. You see that would let them down a notch, so they could save from 30 to 35 cents a dozen, and that would permit them to bring in garments to compete with us as they did under the Wilson bill. The importations have fallen off because we have been protected. We are not finding fault with what has been done.

Senator DAVIS. Do you export any goods?

Mr. SHEARD. I think a few goods, but only the cheapest kind of stuff.

Senator DAVIS. Have you any idea of the total?

Mr. SHEARD. No, sir; not enough to estimate as a factor; it is all cheap stuff.

Senator DAVIS. A statement has been prepared here in regard to the present duties, specific and ad valorem, and what the duties will be under this treaty, and I will submit it to you for your inspection, and ask you to examine it and state whether it is correct; and if so, incorporate it as a part of this statement. These duties are on hose, half-hose, pants, drawers, vests, etc., and, as I understand it, that is your line.

Mr. SHEARD. Yes, sir; that is what we represent.

Senator DAVIS. Upon the first line of goods, those at \$1 a dozen, the present specific duty per dozen is 50 cents, and the ad valorem duty is 15 per cent.

Mr. SHEARD. Yes, sir.

Senator DAVIS. The treaty specific duty on this class of goods is 40 cents per dozen and the ad valorem duty is 12 per cent. That would be a total of 65 per cent, as at present, with the rate of duty under the treaty of 52 per cent.

Mr. SHEARD. That is correct.

Senator DAVIS. On the \$1.50 per dozen the specific duty is 60 cents and the ad valorem duty is 15 per cent.

Mr. SHEARD. Yes, sir.

Senator DAVIS. Will you examine this schedule and see if it is correct?

STOCKINGS, HOSE, AND HALF HOSE.

Value per dozen.	Present specific duty per dozen.	Present ad valorem duty per dozen.	Treaty specific duty per dozen.	Treaty ad valorem duty per dozen.	Rate of duty under treaty.
		<i>Per cent.</i>		<i>Per cent.</i>	<i>Per cent.</i>
\$1.....	\$0.50	15	\$0.40	12	52
\$1.50.....	.60	15	.48	12	44
\$2.....	.70	15	.56	12	40
\$3.....	1.20	15	.96	12	43
\$5.....	2.00	15	1.60	12	44
Above \$5		55			44

SHIRTS, DRAWERS, PANTS, VESTS, ETC.

\$1.50.....	\$0.60	15	\$0.48	12	44
\$3.....	1.10	15	.88	12	41
\$5.....	1.50	25	1.20	20	44
\$7.....	1.75	35	1.40	28	48
\$15.....	2.25	35	1.80	28	40
Above \$15		50			40

Mr. SHEARD. That is correct. There is one other item I wish to speak of, and that is in regard to the machines upon which these goods are made that would come in competition with the goods made under this treaty. We do not make any of this machinery in this country, so we have to import it, and those machines, to make full-fashioned stockings and underwear, cost from \$3,000 to \$4,000 a machine, and on them we have to pay a duty of 45 per cent. Now, this treaty does not give us the machinery any cheaper; it does not give us our labor any cheaper. Already one of our committee has an order out, and coming to this country to-day, for \$30,000 worth of this machinery, going into one of the best-equipped and largest plants in this country. This plant, to make this kind of goods, to-day represents an investment of \$540,000 on the first cost, not including the \$30,000 worth of machinery to be added, and which is on the way. So you see, to make these goods in competition, we have to use not only foreign labor until we can take our own people, but foreign machinery, and we have to pay a duty of 45 per cent also on that machinery.

Senator DAVIS. Do you want this thing to stand absolutely as it is, or are you willing to set a per cent of reduction that you could stand?

Mr. SHEARD. We are not prepared to make any compromise.

Senator DAVIS. You do not think you could do it?

Mr. SHEARD. I do not think we could do it. It would be a compromise, and we do not think we ought to be called upon to compromise. We want you to put yourself in our place, and view the matter as we do, and then state frankly the position that that industry would be in. It must necessarily be educated and fostered to compete with the goods imported—

Senator DAVIS. What is the amount of cash capital invested in this industry?

Mr. SHEARD. I think \$150,000,000 would cover it.

Senator DAVIS. The actual cash capital?

Mr. SHEARD. You mean just the plants?

Senator DAVIS. I mean the capital invested in the business.

Mr. SHEARD. I think the cash capital employed in this industry, including the plant and the necessary money to stock and operate it, would not be less than \$150,000,000.

Senator DAVIS. What do you mean by "including the money necessary to operate it?"

Mr. SHEARD. Your machinery and mills and real estate cost, and your money to buy raw material.

Senator DAVIS. That does not represent actual capitalization in the sense of my question.

Mr. SHEARD. If you mean simply the plant, I would say \$100,000,000.

Senator DAVIS. In how many States is that an industry?

Mr. SHEARD. I do not know exactly—Mr. Boyden, in how many States is this industry spread over? (Addressing Senator Davis.) You mean cotton goods industry?

Senator DAVIS. Yes, sir; I mean the industry affected by this knit-goods schedule.

Mr. SHEARD. I can hardly state as to that.

Mr. MORGAN. I think it would be hard to find a State in which it is not represented. It is in New England, in the South, in the Western States, in the Middle States. Michigan is largely represented. The largest plant we have is in Fort Wayne, Ind. They are all over the States—in the pine woods of Michigan, and all over.

Mr. SHEARD. Rhode Island is largely interested. New York is largely interested. Some localities are more interested in one branch than another. Pennsylvania is probably largest represented in the stocking and hosiery line.

Senator DAVIS. How about New Jersey?

Mr. SHEARD. It is very largely interested. Mr. Carpender is interested in New Brunswick, having large mills there. Mr. Talbert represents the American Hosiery Company, which is largely interested in the manufacture of full-fashioned goods. In Georgia we have quite a number of plants, and in Alabama and South Carolina. You take Major Hanson, of Georgia, and he has quite a large plant there.

Senator DAVIS. Is there anything additional you wish to say?

Mr. SHEARD. I desire to add that in addition to the duty on the machinery we pay duty on about everything we use. Take the yarns, sateens, buttons, and all those finishing articles—

Senator DAVIS. That is not a fair argument.

Mr. SHEARD. Well, look here; let me make this statement. Do you not see when you admit these goods for 20 per cent less than under the present rate you admit the whole thing—the sateen, the buttons, the silk they are sewed with, and the facings and everything? Twenty per cent is not only the reduction on the fabric, but also upon the trimmings, and in competing with that you will permit me to say that it must enter into it, because we have to pay the same duty on things that enter into its manufacture.

Senator DAVIS. So would anybody else.

Mr. SHEARD. All we want is a fair chance. If you reduce the duties on the trimmings and the machinery and give us a fair chance that is all we want.

Senator DAVIS. You say that the treaty makes no abatement on the duty on the machinery.

Mr. SHEARD. Yes, sir. Now, I would like to make an answer to a

statement made in the circular issued by Mr. Porter, in which this statement occurs:

Aside from our skill in machinery cheaper labor abroad is more than balanced by the effectiveness of American labor, as stated by a German manufacturer who moved his machinery from Chemnitz to Pennsylvania, and set up his mill there because of our nearly prohibitive duties. He informed the office, in answer to inquiries, that a given working force in Chemnitz turned out 140 dozens per week, while an equal force in his Pennsylvania factory turned out 105 dozens per day.

If that statement means to convey anything, it means to convey this: That the same number of machines in Germany, with the same number of operatives, would produce but 140 dozens for six days, while the same number of machines and operatives in Pennsylvania would furnish 630 per week. We say to you as manufacturers, these gentlemen from Pennsylvania, and especially from Philadelphia, know of no such plant in the State. That statement is incorrect, both in its purport and effect. In the first place, we state as manufacturers that it would be a physical impossibility for the same machines to produce six times as many garments in this or any other country as in the country where they are so largely manufactured, Germany. As a matter of fact, the gentleman to whom I suppose Mr. Porter refers is a manufacturer of the machinery, and in order to have the machinery public and advertised for the manufacturers to investigate in this country, he opened a plant in Pennsylvania and set up some of his machines in Philadelphia, and his main business is not to manufacture goods, but to sell the machines.

Senator DAVIS. What is the present rate of profit under the Dingley bill, as near as you can give it? Possibly this is not exactly a proper question, and you need not answer it unless you wish to do so.

Mr. SHEARD. Yes; I think it is entirely proper that you should know about that, and for your guidance we ought to give you an answer. We feel that we are talking to someone who is a friend to us and who will not misconstrue us. I think it can be fairly stated that the average profit for the last two years has not exceeded 5 per cent.

Senator DAVIS. The rest of the gentlemen here think that is a fair answer?

Mr. SHEARD. Yes; I think they agree with me. I can bring individual manufacturers to show that that is a fair statement, and further, to show for your guidance that when the Dingley bill went into operation our trade had suffered for a number of years by overproduction, much more than by overimportation, like the woolen cloths; and for a year or more after the Dingley bill became operative we could not run our mills for full time because of accumulated stock, so that the answer given to-day might be a little different than that of a year from now.

Now, there are some things I want to give a few points on, which are stated in this circular. In relation to the machinery part, and the production as stated by the Pennsylvania gentleman, we consider that unfair, misleading, and a physical impossibility. Now then, to the next point, which you have intimated you would like to be informed on. It is quoted from this circular "As France imported in 1897 of these goods"—perhaps I should begin a couple of lines ahead. "Over against this moderation of United States duties, is a concession by France to the United States of 25 per cent of the French duty on the

same goods"—that is, knit goods. "As France imported (1897) of these goods 35 per cent as much as she exported, it is evident the American manufacturers will have an equal chance in that market under the treaty, and that they will avail themselves of it; for they tried that market even under the maximum rate as early as 1897; and France, under these adverse conditions, then took for consumption about 7,000 francs' worth of our knitting." As manufacturers, we want to say to you, there will be absolutely no benefit to us under the concessions on United States knit goods imported into France, because we could not export any goods from this country except the cheapest and poorest kind of stuff, such as they may use in tropical or semitropical climates, and therefore no goods we could export to France to-day would find a market, because of their character and cheapness, and that reduction would absolutely be of no use to us.

Senator DAVIS. You make goods of the same quality as those made and worn in France?

Mr. SHEARD. We make the cheaper goods, but to what extent they are used there I have no knowledge.

Senator DAVIS. We will assume that the poorer classes of people wear the cheaper goods.

Mr. SHEARD. Yes, sir.

Senator DAVIS. If that is so, why can not you export to France?

Mr. SHEARD. It is a known fact, and nobody knows it better than Mr. Porter, because I can bring the statements made by him in his travels on the tariff question, that the common people, the poor people, of European countries do not wear any under goods to the extent our people do, and therefore we can have no export trade to those countries in that class.

Senator DAVIS. In other words, there is no market, even for their own manufactures of that grade.

Mr. SHEARD. Yes, sir; except to a certain extent. We know absolutely that the common people in Europe—it is but a small minority of them who wear underclothing, while in our country it is the majority that does wear it. Therefore, our market is at home, and no concession can possibly enhance its value.

Senator DAVIS. Because there is no market there?

Mr. SHEARD. Yes, sir.

Mr. MORGAN. I visited Chemnitz and the factories there while abroad, where they are making these goods, and in those mills I saw hundreds and hundreds of women working at the machines in bare feet and wooden shoes, and I found that the average pay for ordinary girls was 1 mark a day, 24 cents, and the girls in our mills earn in the neighborhood of \$1 a day.

Mr. SHEARD. This circular will be largely quoted from, and you should be in a position to make some answer. "It is evident that the advancement of our own manufacture in this trade"—that means the knit-goods trade—"as in the iron and steel trades, has done more to give us control of the market than the rate of duty; for we imported from the world more under the McKinley tariff than we did under the lower rates of the Wilson tariff bill"—this refers to knit goods—"although there was an annual increase in our consumption." By these words he means to infer, and it is stated, that under the Wilson bill we imported more knit goods than we did under the McKinley tariff. That fact I can not controvert by figures now, but when he

states that under the Wilson tariff we imported more than under the McKinley tariff, and couples with that fact that the consumption was greater, we, as manufacturers, emphatically deny it.

Senator DAVIS. Is not your statement turned around?

Mr. SHEARD. Yes, sir; it should be reversed. He says there was an annual increase in our consumption. That means, there was an annual increase in our consumption under the Wilson tariff. He says we imported less under a low tariff than under a high tariff, while the consumption was greater. We say to you as manufacturers, and every man will confirm my statement, and we can bring you hundreds more to do the same, that the consumption under the Wilson bill, brought about by the impoverished state of our country, as you and every other man knows, was less than it was under any tariff in our experience, including the McKinley tariff, so far as we are able to judge of the consumption by the production, because every one of us was unable to run his mills even three-quarters or one-half time. The production fell to the lowest point it has ever fallen under the enhanced opportunities to produce that we have enjoyed since the McKinley bill. So the inference there is wrong. The consumption and production were less than any period of our experience under the Wilson tariff; therefore, the consumption could not have been greater.

Senator DAVIS. How about imports?

Mr. SHEARD. That is a point I can not controvert with figures, but so far as the consumption is concerned, and the production in this country measured by our operations is concerned, you can emphatically deny that statement. Never since 1873 has the knit-goods industry of this country been reduced so low, so far as production is concerned, as under the Wilson bill.

Mr. MORGAN. I probably represent one of the smallest manufactories of the industry here, but during the year ending the 30th of June, 1894, we did but six weeks' work. We can turn out 30,000 dozens a year, and we turned out, all told, but 3,000 dozens, and that was done by our most expensive help, help that we wanted to keep employed, so as not to break up our organization.

Mr. SHEARD. Just one other point. Of course, under the Wilson bill, the importations were large, because everybody imported largely at the close of its operations so as to get their importations in under the provisions of that bill. Now, the general purpose and the intent and the inference that this circular gives, as it relates to our business, is misleading in fact and in import; we want to say that most emphatically.

We also wish to say to you, and through you to the Senate, that those goods that are imported are principally full-fashioned goods. They are what we call the higher grade of goods. Now, while there may be only four or five million dollars' worth of these imported, they affect the price all over the country of every kind of goods made, and if you can buy a stocking that is full-fashioned, if you were so educated in your nicety as to appreciate and desire them, for 50 cents you will not buy the other kind, and it reduces the price of our cut goods so much below that. It thereby induces people to buy the higher class goods.

The importations are all finished goods, and they are sold at prices approximately so near our cut goods that it reduces the value of the entire production, just as if there were running out in your Western

country 100 mills making flour, and the price of flour was \$6 a barrel, and one mill, perhaps even a small mill, was willing to sell flour at \$5.75. No mill could sell any of its product until it reduced its price to \$5.75. You might say, "Why does not that mill make more flour?" To their capacity and opportunity they make all they can. So do these importers, and we can not market our goods except in competition. We go into a store and we say to the proprietor, "Here is a nice home-made stocking," or any article of knit goods; "We want so much," and they say to us, "Why, here is a stocking which I get from an importer which I can sell for 50 cents while I could not sell yours for more than 30," so that that is a measure of value and affects the whole trade, and therefore you can not measure the value by simply stating statistics, and that is the thing, above all others, that we are contending against. If the treaty simply deprived us of four, five, or six millions worth of products it would not amount to anything, but it is not only depriving us of the amount we might make ourselves, but of the price that we might get, because of the evil effects of the marketing of these goods. It is the moral influence largely, and under this reciprocity treaty they can bring in their goods at a less price than the labor costs us now.

Mr. BILLINGS. I would like to make a little statement in regard to differences between American help and that of other countries. We have a little plant which we have put up in the last twelve months, in which we employ two Germans and four Englishmen, who never knew anything else but that kind of work, having done the same kind of work in the old country all their lives. We are paying them tremendous wages and have to do that for this reason. A new industry is always begun at a sacrifice. Up to 1890 there had been hundreds of thousands of dollars lost in trying to establish this higher grade industry. In 1883 I went into it and lost money on every dozen I made. We had encouragement in 1890. The Fort Wayne people started their mills on the strength of the McKinley bill, but the mutterings of the storm began, and then there was so much growling under the Wilson bill that very little was done. The Dingley bill passed, and we are putting in that machinery just as fast as we can. We are employing entirely for this branch of industry foreign help, and pay tremendous wages. When this kind of American help, which has been spoken of, with their ingenuity, has been taught the trade, and have learned to build our machines, or to invent other machines, it will put a different phase on it, but now to reduce the duty would be fatal.

In regard to the schedules in the knit-goods tariff of the McKinley bill, the first schedule was 60 cents, with 20 cents specific and 20 per cent ad valorem. Previous to that the goods had been coming in at \$1, but when we formed this schedule we placed the first bar at 60 cents, and there were imported over 1,400,000 dozens at 59 cents, fashioned goods from Germany, and in formulating the Wilson bill, they gave us 50 per cent ad valorem. We put our market at \$1. We wanted \$1.50 to stop this getting in under the bars, but the first limit was fixed at \$1, with 50 cents specific and 15 per cent ad valorem, and now the goods are coming in here at 99½ cents, valued at 4 marks 40.

Senator DAVIS. From where?

Mr. BILLINGS. From Germany.

Senator DAVIS. The importations are very small. You say they are coming in at that amount? If so, why do not they come in at a greater rate?

Mr. BILLINGS. They are coming in in great numbers.

Senator DAVIS. It is a small amount, relatively.

Mr. BILLINGS. It is a large amount to us. We want to maintain these rates. These goods coming in now at 99½ cents, under the Wilson ad valorem, would come in at \$1.10 to \$1.25; consequently these goods we are getting now have a benefit of 65 cents on the present valuation. If they would come in at \$1.20 or \$1.25 and now come in under a lower schedule, they get in the neighborhood of 60 or 65 cents advantage, a tremendous difference, amounting to 100 per cent.

Senator DAVIS. What puzzles me is, if these goods do come in as you say, why don't more of them come in?

Mr. BILLINGS. They do not come in as the importers state.

Senator DAVIS. You say they come in, but when you come to look it over the amount that came from Germany in 1897 and 1898 was only about \$3,000,000 in round numbers, and from France and Great Britain only about \$350,000.

Mr. BILLINGS. As to France; we are not so much afraid of France at present, but the Germans will change their factories over to France. Men who can jump from 59 cents under a 60-cent schedule, then to 99½ cents under a dollar rate, will change their manufactories to suit.

Mr. Carpenter and I are in the new-fashioned goods business. Our labor costs on a quarter-dollar stocking 70 to 75 cents per dozen. I am speaking of the common quarter-dollar stocking now. How are we going to pay these rates under the reduced duty? We will correct this in time, but we can not do it now. Another thing, and a very important thing. Every large department store in the country will not keep domestic goods if they can get foreign goods. Why? The moment a domestic manufacturer turns out a dozen stockings on a new pattern inside of a week his new sample is spread among a dozen manufacturers, and then there is competition as to which can make it cheapest. Our big department stores will not keep these domestic goods when they can get foreign. The popular price of 25-cent stockings is \$2.25 from the jobbers, who sell to the retailers. Of course, the large houses, who import their own stockings, make us compete with foreign trade and drive us down as greatly as it can be done, until these stockings have been bought as low as \$1.80 to \$1.85. The workingmen do not get the benefit of that. Who does get it? The combinations of big retail stores.

Stocking yarns have gone away out of sight, and we can not produce them at that rate at a profit. I have sold stockings recently at \$1.80 and we barely got our cost. We have dropped combed yarn, and our ordinary yarns have gone out of sight. The big retailers simply pocket the difference in the price. The 25-cent stockings that used to be \$2.25 are now \$1.80, and that is a big thing against us. Another thing. Mr. Porter makes a strong point there as to the word "monopoly." In the ordinary stocking business there can not be such a thing as a monopoly. I was before McKinley when he was chairman of the Ways and Means Committee and before Wilson, and have been interested in all these tariff bills, and we have always maintained one thing, that a combine or a monopoly could not be established in the ordinary stocking business. You can get into the business in a small way with a few hundred dollars. A man can go out into the country with a gas or gasoline engine and start up a plant and run it.

and when that can be done that will prevent any combine from running the market, and there can be no combine. I hate the word monopoly there. We are like rats in a pit on the lower class of goods. When the workingman can buy three pairs of stockings for a quarter there is not much use in talking about a monopoly.

BRAIDS.

Under section—	Present rate.	Treaty rate.	Reduction.	Amount imported 1898.	Duty collected 1898.
	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>		
179.....	60	57	5		
409. Braids, plaits, laces, and willow sheets or squares:					
Composed wholly of straw, chip, grass, palm leaf, willow, osier, or rattan, suitable for making or ornamenting hats, bonnets, or hoods, not bleached, dyed, colored, or stained, fifteen per centum ad valorem.....	15	13½	10	140,093	32,182
If bleached, dyed, colored, or stained, twenty per centum ad valorem.....	20	18	10		
Hats, bonnets, and hoods, composed of straw, chip, grass, palm leaf, willow, osier, or rattan, whether wholly or partly manufactured, but not trimmed, thirty-five per centum ad valorem.....	35	31½	10		
If trimmed, fifty per centum ad valorem... But the terms "grass" and "straw" shall be understood to mean these substances in their natural form and structure, and not the separated fiber thereof.	50	45	10		

NEW YORK, *January 20, 1900.*

The Braid Manufacturers' Association desires to respectfully protest against the confirmation of the treaty between this country and France which is now before the Senate for consideration, or any similar treaties which reduce the duties on manufactured goods, for the following reasons: First. As they affect the general welfare of the country. Second. As they affect the interests of the Republican party. Third. As they affect the interests of the manufacturing industries and other allied interests.

AS THEY AFFECT THE GENERAL WELFARE OF THE COUNTRY AS A WHOLE.

The confirmation of the pending treaty with France, besides seriously disturbing business conditions, would lessen the revenue derived from imports and also establish a precedent which may lead to still further reductions through similar treaties.

Immediately upon the confirmation of such a treaty demands would be made by other countries for the same rates, and in the event of that demand being refused reprisals would be made by those countries, either by levying retaliatory duties on American exports to them or in other ways.

The ultimate result, therefore, would be that either by acceding to the demands of these other countries we would either materially lessen our customs revenue, or else by refusing them injure our export trade. No country can consistently complain of our tariff if it is uniform to all.

AS THEY AFFECT THE INTERESTS OF THE REPUBLICAN PARTY.

A large, if not the most important, source of support of the Republican party has been derived from the manufacturing and allied industries. This support was due to the feeling that one of the fundamental principles and aims of this party was to afford protection through import duties sufficient to compensate for the difference between cost of labor, etc., here and abroad, and that, moreover, during a Republican administration there would be no fear of any tariff changes.

A sudden reduction of the duties on various manufactured goods would alienate a large portion of this support, besides depriving the party in the coming campaign of one of the strongest arguments for gaining the suffrages of voters in manufacturing districts.

The reducing of equitable duties should be left to the Democrats. Their espousal of that principle has defeated them repeatedly, and would continue to do so unless they consider it a dead issue and abandon it. It would therefore appear to be policy for the Republican party to maintain the most determined opposition to any such principle, and certainly not establish the precedent of undermining protection to American industries.

AS THEY AFFECT THE INTERESTS OF THE MANUFACTURING INDUSTRIES
AND OTHER ALLIED INTERESTS.

If manufacturers believed that at any time, practically without notice, the conditions under which they were successfully operating might be entirely changed, such a belief would be a deterrent to extension or the undertaking of new enterprises. This would tend not only to prevent capital from investing in such new enterprises, but would also lead to the gradual withdrawal, compulsory or otherwise, of capital now invested.

The rates of the present tariff were settled after months of deliberation on the part of the Senate and the House, as being the lowest which would adequately protect the respective industries and with no view of leaving a margin for later reductions.

In many industries, including our own, a difference of 5 per cent in the amount which could be obtained for goods would represent a difference between profit and loss, consequently the reductions specified in this treaty would make the rate inadequate for protection. Inadequate protection is as bad as none.

THE BRAID MANUFACTURERS' ASSOCIATION,
H. W. SCHLOSS, *President*.
A. S. WAITZFELDER, *Secretary*.

PHILADELPHIA, *February 10, 1900.*

RESPECTED SIR: It has come to our attention that the reciprocity treaty with France now before the United States Senate for consideration will, if passed, reduce the import duties on braids of all kinds.

Therefore, as leading manufacturers of long standing in the industry, we would respectfully protest against the confirmation of said treaty, or such parts of it as materially affect our business, and ask that you use your vote and influence to defeat the treaty and thus save to our country a large and growing industry.

The manufacture of braids and ladies' dress trimmings has been a profitable business for the past few years because of the demand for the goods and adequate tariff protection. Large numbers of men and women are employed, who receive fair wages for their work. For the sake of these thousands of wage earners, as well as for those whose capital is invested in the braid and trimming industry, we ask you to vote against the confirmation of said treaty with France or any similar treaties which would reduce the duties on manufactured goods in this particular line of business.

Should this treaty be confirmed we fear a dangerous precedent would be established which would render the further profitable continuance of the braid industry in this country extremely precarious.

In conclusion we would emphasize the fact that the reductions specified in this treaty would make the rate inadequate for our protection, and without this protection we can not successfully compete with Europe. Reduction means paralysis to the braid and trimming industry of the United States.

With the hope that you will give our appeal very careful consideration, we are,

Respectfully, yours,

HENSEL COLLADAY COMPANY,
GEO. S. HENSEL, *President*.

Hon. C. K. DAVIS,
Washington, D. C.

The reduction of duty as contemplated by this treaty is also protested against by the following firms:

Alpine Embroidery Company, New York City.

Loeb, Lipper & Co., Philadelphia.

National Braid Company, Brooklyn, N. Y.

New England Butt Company, Providence, R. I.

S. Rosenau & Co., Philadelphia.

BRUSHES.

Under section—	Present rate.	Treaty rate.	Reduction.	Amount imported 1898.	Duty collected 1898.
410.....	<i>Per cent.</i> 40	<i>Per cent.</i> 36	<i>Per cent.</i> 10	\$476,483	\$190,573

FLORENCE, MASS., *December 23, 1899.*

DEAR SIR: Will you permit us to call your attention to the proposed reduction in tariff on brushes in the treaty now pending between the United States and France?

We understand that this treaty has been referred to the Committee on Foreign Relations. By the terms of this treaty, according to the published accounts, there is proposed a reduction of 10 per cent on brushes. We believe that without exception the brush manufacturers of the United States have presented conclusive arguments in favor of

the maintenance of a tariff at least equal to that of the present time, whenever the tariff has been under discussion, and yet in spite of this it has been extremely difficult and many times practically impossible for the home production to be maintained in competition with the European, and especially with the French and Japanese markets.

During the year just closing very large advances have been made in the cost of raw products used in brush making; especially is this true in bristle, the advance in which has been very marked. The majority of these bristles are imported, and there is no prospect before us as manufacturers except in advancing the cost of our product sufficiently to partially offset this increased cost.

At how much greater an increase of disadvantage would we be placed should this further reduction of 10 per cent be made in favor of France, a country from which comes a large percentage of the brushes imported into this country?

We most especially urge your personal and prompt attention to this particular item, and certainly trust that there may be no question but that our request may be granted, and that this item may be omitted from the schedule.

If you will be kind enough to inform us of the present status of this treaty you will confer a very great favor.

In the meantime, we beg to remain,

Yours, very respectfully,

FLORENCE MFG. CO.
FRANK D. LOOK.

HON. HENRY CABOT LODGE,
Washington, D. C.

The following firms also protest against the ratification of the treaty on account of its effect on the brush industry:

American Brush Company, Detroit, Mich.
Ames-Bonner Company, Toledo, Ohio.
Owen Connally, Lansingburg, N. Y.
O. Dennis & Loeb, Lansingburg, N. Y.
Diack Bros., Lansingburg, N. Y.
Flynn Bros., Lansingburg, N. Y.
J. G. O'Bryan, jr., Lansingburg, N. Y.
Powers Bros., Lansingburg, N. Y.
The Geo. Scott Company, Lansingburg, N. Y.
Whiley Bros., Lansingburg, N. Y.
E. & C. Wood Company, Lansingburg, N. Y.

ELECTRIC AND GAS FIXTURES.

Under section—	Present rate.	Treaty rate.	Reduction.	Amount imported, 1898.	Duty collected, 1898.
193.....	<i>Per cent.</i> 45	<i>Per cent.</i> 40.50	<i>Per cent.</i> 10	\$480,000	\$216,000

NEW YORK, *January 27, 1900.*

DEAR SIR: We learn that there is a reciprocity treaty between France and this country, which is shortly to be presented to your honorable body for ratification.

We trust that you will lend your aid and influence in opposition to the ratification of this treaty, inasmuch as it would be a keen blow to the gas and electric fixture industry of this country.

Of recent years the French productions of the better grade of fixtures have made serious inroads into the manufacture and sale of this class of work, and if the existing duty is to be reduced, still worse results will ensue.

The personal investigation made by the writer during a recent visit to France into the manufacture of this class of goods enables us to state positively that the low rate of wages paid in Europe to skilled laborers makes it very difficult for American manufacturers to compete, unless at least the present duty is permitted to remain on this class of goods.

We quote the following as an instance of the difference in wages: One of the workmen in one of the factories informed the writer that his weekly salary was 24 francs, and the same labor produced by a workman in our employ here is \$18 per week, which is three times as much as the Frenchman received for his work.

Until quite recently the gas and electric fixture industry of this country was in a very poor financial condition, and only the revival of trade within the last year or two has placed the manufacturers in such a position that a fair reward for labor and capital invested is realized.

We again most respectfully call your attention to the treaty, and trust you will use all your influence in opposition to the same.

Very respectfully, yours,

L. PLAUT & Co.

Hon. CUSHMAN K. DAVIS,

United States Senate, Washington, D. C.

Protests also filed by the following firms:

Bradley & Hubbard Manufacturing Company, New York City.

Edward F. Caldwell, New York City.

Thomas Day Company, San Francisco, Cal.

R. Hollings & Co., Boston, Mass.

J. B. McCoy & Son, New York City.

C. H. McKenney & Co., Boston, Mass.

Oxley & Enos Manufacturing Company, New York City.

Thackara Manufacturing Company, Philadelphia.

W. C. Vosburgh Company, Brooklyn, N. Y.

JEWELRY.

Under section—	Present rate.	Treaty rate.	Reduction.	Amount imported 1898.*	Duty collected 1898.
434.....	<i>Per cent.</i> 60	<i>Per cent.</i> 57	<i>Per cent.</i> 5	\$908,807	\$515,221

*Includes all importations under section 434 of precious stones and jewelry of all kinds.

ATTLEBORO, MASS., *March 3, 1900.*

DEAR SIR: The following is the jewelry tariff committee's reply to the inclosed circular:*

1883. Twenty-five per cent. The European countries had not learned to make goods suitable to our home market. Consequently we had no opposition.

Later on, having learned the demand of our market and the methods of making the goods, it was necessary to make the McKinley tariff of 50 per cent to protect. Prosperity followed.

On change of Administration, free trade practically controlled; tariff reduced to 35 per cent. Result: Labor paralyzed, foreign factories running day and night, and our markets glutted with foreign goods.

Dingley tariff 60 per cent. Prosperity again returning, our industries fairly prosperous, and few unemployed journeymen walking the streets.

The goods exported to France in 1897 were a high grade of plated goods which, up to that time, they had not learned to make. To-day they are buying our machinery and copying our styles.

The United States can not get the French market so long as Germany is permitted to enter on the same footing with us. See result in South America and other foreign countries. We formerly supplied them plated button sets at \$24 and \$30 per gross. Germany and France copied the same pattern and sent exact duplicates at \$12 per gross, which is much less than the actual cost that we can produce these articles in our factories.

The statement that article 434 covers all articles coming under the head of "Imitation jewelry" is not correct. The following articles are taken advantage of by those favoring this treaty, and each and all are closely linked in the "imitation jewelry" business. See articles 187, 193, 408, 412, 414, 434, 450, 459. And the reduction, in place of only from 60 to 57 per cent, varies from 5 to 15 per cent on each article. For instance (see article 193), "rope chain," one of the most important articles of jewelry,† is admitted now under this article at 45 per cent, when it should be under 434, at 60 per cent. It is now to be reduced by this treaty 10 per cent, or a net of 40 per cent.

This article is made, known, used, and worn as jewelry. And to-day, at the present rate of tariff, 45 per cent, at least 80 per cent of the rope chain consumed in our home market is manufactured in Europe; the wire being made and drawn to size in this country, shipped to Europe, made into rope chain, returned; present rate of duty paid, importer adding profit, and then it is laid down in our factories at a price less than we can manufacture it for. Should this treaty be ratified? This part of our jewelry industry—namely, rope chain—will be a thing of the past, as it will be impossible for home manufacturers to compete in any way with foreign competition on this article.

Our fears are based on facts, and an experience of seventeen years under the various changes in tariffs, we feel, are clearly stated in our previous communications to your honorable body, and also by the documents filed with your Ways and Means Committee at the time schedule was made for present tariff.

Our home market is our first consideration, and we can never believe it wise policy to seek foreign markets at a sacrifice of our home market.

* Given on pages 584 and 585.

† Placed under section 193 by ruling of Department, on protest of manufacturing importers.

We therefore appeal to every fair-minded Senator to consider the interests of our industries and those dependent upon it and vote against the so-called French treaty.

S. O. BIGNEY.
A. A. BUSHEE.
E. S. HORTON.
W. R. DuTEMPLE.
H. D. TRESHER.
E. A. SWEENEY.
H. P. KENT.
F. W. WEAVER, *Secretary*.

ATTLEBORO, MASS., *December 22, 1899.*

Hon. GEO. F. HOAR and Hon. HENRY CABOT LODGE.

DEAR SIRS: We notice from the published copy of the French reciprocity treaty signed between the United States and France last summer, and now awaiting the ratification of the United States Senate, that the treaty provides for a reduction of duties of 10 per cent for imitation jewelry, 5 per cent for jewelry, 15 per cent for articles of amber, ivory, or pearl, 10 per cent for buckles, 10 per cent for penholders.

If such a reduction is permitted it will seriously affect the trade of the Attleboro, North Attleboro, Taunton, and Providence manufacturers, and we earnestly beg that you will use your best endeavors to prevent the ratification of this treaty until the clauses containing the above-mentioned concessions (or any other clauses having any bearing on the jewelry or kindred trades) are eliminated from same.

The manufacturers of this district, after years of hard struggling, are just beginning to enjoy the fruits of a prosperity guaranteed them by the Republican party, and it would be suicidal to permit the slightest infringement upon that prosperity by any foreign nation.

We, the manufacturers upon whose prosperity rests the prosperity of thousands of employees, and the welfare of our cities and towns, pray that we may be protected in that prosperity and not be placed again in competition with the pauper labor of Europe:

W. H. WILMARTH & Co.
CORPORATION.
By E. A. SWEENEY, *Treas.*
THE D. F. BRIGGS Co.
McRAE & KEELER.
CHAS. M. ROBBINS.
BATES & BACON.
J. W. LUTHER & Co.
C. H. ALLEN & Co.
MARBLE, SMITH & FORRESTER.
J. T. INMAN & Co.
D. A. WHITE & Co.
J. M. FISHER & Co.
F. W. WEAVER & Co.
ATTLEBORO MFG. Co.,
JAMES CROSS.
S. M. EINSTEIN Co.

ALLEN, SMITH & THURSTON.
GEO. L. BROWN Co.
THE HORTON AUGELL COMPANY,
H. A. CLARK, *Treas.*
BLISS BROS.
R. F. SIMMONS & Co.,
H. E. SWEET, *Atty.*
WATSON & NEWELL Co.
THE JAMES E. BLAKE Co.
A. BUSHEE & Co.
J. C. CUMMINGS & Co.
CARTER, QUARNSTROM & REMINGTON.
DUNBAR, LEACH & GARNER Co.
C. A. MARSH & Co.

THE DAGGETT & CLAP CO.
 TORREY JEWELRY CO.
 MACDONALD & CULVER.
 RICHARDS, HILL & CO.
 SYKES & STRANDBERG.
 RHODES BROS.
 DOLAN & CO.
 E. D. SILMON & Co.
 G. A. DEAN & Co.
 F. H. SADLER & Co.

E. A. FARGO & Co.
 O. W. HAWKINS & Co.
 REGNELL, BIGNEY & Co.
 SMITH & CROSBY.
 SIMMS & Co.
 D. E. MAKEPEACE.
 GROVER, SON & Co.
 P. J. CUMMINGS & Co.
 S. O. BIGNEY & Co.
 F. M. ELLIS & Co.

KNIT GOODS.

Under section—	Present rate.	Treaty rate.	Reduc- tion.	Amount imported 1898.	Duty collected 1898.
	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>		
318, \$1.00 per dozen.....	71.4	57.12	20	241,278	108,575
1.50.....	61.64	49.32	20		
2.00.....	52.70	42.16	20		
3.00.....	62.16	49.73	20		
5.00.....	66.19	52.95	20		
Above \$5.00.....	55	44	20		
319, \$1.50.....	61.84	49.47	20		
3.00.....	61.08	48.87	20		
5.00.....	64.08	51.23	20		
7.00.....	64.72	51.78	20		
15.00.....	60.91	48.73	20		
Above \$15.00.....	50	40	20		

At the second meeting held by the Southern Association of Hosiery Manufacturers in Atlanta, Ga., Thursday, January 11, at the Kimball House, the following manufacturers were present, and adopted appended resolutions: J. J. Littlejohn, Jonesville, S. C.; Jonesville Knitting Mills; Dr. Morrow, Nashville Hosiery Mills, Nashville, Tenn.; N. O. Banks, Grantville Hosiery Mills, Grantville, Ga.; R. H. Northcutt, Marietta Knitting Company, Marietta, Ga.; D. G. Sutherland, Pelham Mills, Pelham, S. C.; Charles Crawley, Hanson-Crawley Company, Barnesville, Ga.; E. C. Wilcox, Tryon Hosiery Company, Tryon, N. C.; E. R. Memminger, Hart Manufacturing Company, Flat-rock, N. C.; V. Ballard, Durham Hosiery Mills, Durham, N. C.; G. Andrews, jr., Richmond Hosiery Mills, Rossville, Ga.; S. A. Magill, Atlanta Hosiery Mills, Atlanta, Ga.; S. H. Wiley, Salisbury Hosiery Mills, Salisbury, N. C.; J. F. Taylor, Orion Knitting Mills, Kinston, N. C.; J. H. Dootson, Standard Manufacturing Company, Athens, Ga.; J. J. Donaldson, Marietta Knitting Company, Marietta, Ga.; S. A. Ashe, Raleigh Hosiery Mills, Raleigh, N. C.; F. J. Dupuy, Gate City Hosiery Mills, Atlanta, Ga.; A. J. Henderson, Hampton, Ga.; S. H. Sibley, Union Manufacturing Company, Union Point, Ga.; P. Rahm, Standard Machine Company, Philadelphia, Pa.:

Whereas the French reciprocity treaty of July 24, 1899, is now before the United States Senate for ratification during the present term of Congress; and

Whereas paragraphs 317 and 319 of the said treaty apply to knit goods, and the provisions therein contained, if they become operative, would result in serious evil to the industry, jeopardizing certain

branches, more especially balbriggan underwear, full-fashioned hosiery and underwear, Swiss-ribbed goods, etc., by reason of a reduction, as specified, viz, 20 per cent in the existing tariff; and

Whereas in recent years American knit-goods manufacturers in all branches have shown marked tendencies toward the production of better grades of goods, where the element of labor and not material is the dominant factor; and

Whereas many thousands of operatives dependent upon the success of the knit-goods industry are to-day only beginning to feel the benefits of renewed activity and steady employment, would be thus needlessly deprived of the means of livelihood; and

Whereas the pursuance of such a policy would retard the progress of American manufacturing interests for many years; therefore, be it

Resolved, As the sense of this meeting of hosiery and underwear manufacturers of the Southern States of the United States, that strong protest be made to each and every member of the United States Senate, jointly and severally, by those present, and that the National Association of Knit Goods Manufacturers be requested to vigorously oppose, by any lawful means whatsoever, the ratification of the French reciprocity treaty.

SOUTHERN ASSOCIATION OF HOSEYRY MANUFACTURERS.
By GARNETT ANDREWS, Jr., *Secretary*.

Resolved, As it is the sense of knit-goods manufacturers from all sections of the United States and embracing all varieties of product, that the ratification of the French reciprocity treaty of July 24, 1899, would seriously and unnecessarily place in jeopardy the welfare and future prosperity of great interests,

Therefore, we, the National Association of Knit Goods Manufacturers, do hereby protest to the United States Senate against the adoption of this treaty in behalf of organizations of knit-goods manufacturers in the Eastern, Central, Southern, and Western States, and of the trade generally, strongly urging the various representatives to actively cooperate in opposing this measure, which will work untold hardships upon many thousands of operatives who have suffered from years of depression and are just feeling the results of renewed prosperity, and which will retard the natural development of the American knit-goods trade for many years, demoralizing certain branches.

NATIONAL ASSOCIATION OF KNIT GOODS MANUFACTURERS.
A. B. VALENTINE, *President*,
HOWARD W. BIBLE, *Secretary*.

The following firms also, individually, protested against ratification:

Commercial Knitting Mills Company, Troy, New York.

John E. Hanifen & Co., Philadelphia.

Harder Knitting Company, Hudson, New York.

Lawrence Manufacturing Company, Boston, Mass.

Medlicott-Morgan Company, Springfield, Mass.

Perry Knitting Company, Perry, New York.

Philadelphia Knitting Mills Company, Philadelphia

Pickering Knitting Company, Lowell, Mass.

Shaw Stocking Company, Lowell, Mass.

Star Knitting Company, Cohoes, New York.

OPTICAL INSTRUMENTS AND SPECTACLES.

Under section—	Present rate.	Treaty rate.	Reduction.	Amount imported 1898.	Duty collected 1898.
108.....	<i>Per cent.</i> 79.79	<i>Per cent.</i> 71.81	<i>Per cent.</i> 10	\$188,969	\$89,760
111.....	46	40.5	10	245,167	110,325

READING, PA., *January 20, 1900.*

DEAR SIR: In behalf of our own industry, and in common with all the manufacturers of optical goods in the United States, we desire to protest against the reduction of tariff rates on spectacles, as proposed in the reciprocity treaty with France, now under your consideration.

Our reasons for fearing a reduction in the rate of duty on low-priced spectacles may be briefly set forth. First of all, we beg to point out that France, notably the Morez district, has ever been the keenest competitor of the United States in the production of low-priced spectacles. Not only have American manufacturers had to contend with great disadvantages in the cost of labor, but of late years have suffered because of the employment of American machinery and methods by the French manufacturers, and by the close imitation of American styles.

The tariff rates in the Dingley bill have greatly assisted and stimulated the manufacture of spectacles in this country, but no American maker of these goods can to-day meet the prices at which certain grades of French spectacles are still delivered, duty paid, at our ports. A grade of low-priced French spectacles can now be had in this country, duty paid, for 2½ cents per pair, which is beyond the reach of American competition. These cheap French spectacles are of no benefit to the general public, however, being so poor in quality that they work quite as much harm to the consumer as to the home industry.

Important and essential as the aid given American manufacturers by the Dingley bill has always been, there was never a time when tariff protection *to the fullest extent* was more needed than at present, for the reason that the higher cost of labor and raw materials in the home market have added to the increased cost of production of low-priced spectacles, and have diminished a margin of profit at no time excessive.

The reduction in tariff rates proposed in the treaty under consideration would, in our estimation, work to the greatest detriment of the industry in this country, for we know of no way by which such a reduction in rates could be offset on our part. We beg therefore that no reduction in tariff rates on spectacles be made through treaty with France, and we would ask your assistance in making plain to the honorable Committee on Foreign Relations the sentiment of the American manufacturers of spectacles toward the treaty as it now stands.

Yours, very respectfully,

T. A. WILLSON & Co.
FREDERICK WILLSON.

Hon. C. K. DAVIS,
Chairman Committee on Foreign Relations,
Washington, D. C.

SOUTHBRIDGE, MASS., *January 2, 1900.*

DEAR SIR: We note that in the proposed reciprocity treaty between the United States and France there is a reduction of 10 per cent on spectacles and lenses for spectacles in the present tariff (paragraphs 108 to 110), and also on opera glasses, lenses, etc. (paragraph 111).

When the present tariff act was before Congress the schedule as affecting optical goods was very carefully considered and compiled, with the assistance of the president of the general board of appraisers, and approved by him. The schedule was based on the proportional part of their product of material and labor and the comparative price of European and American labor, and the same submitted to the consideration of the Committee on Ways and Means and later to the Senate Finance Committee. Accompanying this schedule was a statement of the conditions covering the recommendations, about as follows:

First. The cost to manufacture most of these goods is represented by 80 to 85 per cent in labor and 15 to 20 per cent in material.

Second. The wages paid by the competing European countries is not over one-half that paid for American labor, and in many cases much less.

Third. The cost of material in Europe is much less than the cost of material in the States.

Fourth. American machinery for the manufacture of spectacles and eyeglasses has been exported to Europe by American importers of optical goods. This machinery is now used in France, and with their low-priced labor there manufacturers are able to imitate the American products, although of inferior quality, and undersell the American manufacturers, even at the tariff rate now in force.

Fifth. The protection accorded to this industry has had the effect in the past of enabling the manufacturer of these goods in the States to furnish American-made goods at much lower prices than formerly was possible before the manufacturer was firmly established in this country, and to furnish goods of a much higher standard than previously obtained from European manufacturers.

Sixth. The manufacture of optical goods, including spectacles, eyeglasses, and lenses, is comparatively a new branch of industry in this country. It is, however, an important one, and gives employment to thousands of experts and support to many thousand people.

The above facts and arguments were presented to the committees when the present tariff rates were being established. They were considered fair and just by the two committees, and the present schedule adopted. At that time the protection given us was considered necessary and just. The conditions are the same to-day, and especially in connection with the French competition, as France is the most dangerous competitor in the line of optical goods. She manufactures the larger part of spectacles, lenses, and other lines of optical instruments, and, as above noted, has the advantage of American machinery. Notwithstanding the fact that manufacturers on other lines have substantially advanced prices, there has been no advance in the line of optical goods and lenses. The proposed reduction in the protection given to this line of goods would work a decided hardship to this industry, as the margin of profit is so small and the change would no doubt necessitate a reduction of wages or giving up to the French manufacturer certain lines of optical goods. All of this should be prevented if possible.

The manufacturers of optical goods in this country felt warranted after the passing of the last tariff act in believing there would be no changes in the near future and have made their plans accordingly. They have contemplated adding other lines of optical manufacture that have not yet been undertaken in this country, especially the manufacture of opera glasses, and arrangements and contracts have already been made for the manufacture of these goods for the present year, of course basing calculations on the existing protection.

France has for a long time virtually controlled the manufacture of opera glasses, and no doubt furnishes 90 per cent of these goods used in this country. The proposed reduction of tariff on these goods would, without doubt, prevent the establishment of this branch of industry in our country for years to come.

We trust you will pardon us for going so fully into this matter, but we believe the occasion justifies our doing so, and think it is proper and right that you should have as full information as possible relating to the effect of the proposed changes in our industry. We trust you will do what lies in your power to prevent loss and injury to those engaged in an important branch of home industry.

Yours, very truly,

AMERICAN OPTICAL COMPANY.
GEO. W. WELLS, *Superintendent.*

Hon. HENRY CABOT LODGE,
Washington, D. C.

PAPER.

Under section—	Present rate.	Treaty rate.	Reduction.	Amount imported 1898.	Duty collected 1898.
397. Papers commonly known as copying paper, to the ream of four hundred and eighty sheets, on a basis of twenty by thirty inches, and whether in reams or any other form....	<i>Per cent.</i> 31.77	<i>Per cent.</i> 32.30	<i>Per cent.</i> 5	128,212	44,874
If weighing over six pounds and not over ten pounds to the ream, and letter copying books, whether wholly or partly manufactured.....	43.29	38.96	10		
Filtering paper.....	40	36	10		
398. Surface-coated papers not specially provided for in this act.....	42.21	37.99	10		
If printed, or wholly or partly covered with metal or its solutions, or with gelatin or flock.....	37.40	33.66	10		
Parchment papers.....	37.78	34	10		
Plain basic photographic papers for albumenizing, sensitizing, or baryta coating.....	22.64	20.38	10		
Albumenized or sensitized paper or paper otherwise surface-coated for photographic purposes.....	30	27	10		
399. Paper envelopes, plain.....	20	18	10		
If bordered, embossed, printed, tinted, or decorated.....	35	31½	10		
401. Paper, letter, hand-made—					
Weighing not less than ten pounds and not more than fifteen pounds to the ream.	24.32	21.89	10		
Weighing more than fifteen pounds to the ream.....	33.70	30.33	10		
If any such paper is ruled, bordered, embossed, printed, or decorated in any manner.....	49.70	44.73	10		
403. Blank books, not specially provided for in this act, twenty-five per centum ad valorem.	25	22½	10		

LEE, MASS., *January 18, 1900.*

MY DEAR SENATOR: Our attention has been called to the reciprocity treaties with France and other countries.

If the same are enacted, it will, in our opinion, be very detrimental to the manufacturing interests of this country, and is only an entering wedge for treaties with Germany, England, and other countries if they are approved.

We think the disadvantages to this country in the proposed treaties are much greater than the advantages, and we hope you will use your influence to defeat the same. The country is doing well and is prosperous, increasing in wealth and influence under our present tariff laws, and we think they should remain as they are. We know we express the feelings of a large number of business men in the paper line. We have built up a fine business since the Dingley bill went into effect on tissue and copying papers, and are only making a fair remuneration for the investment; and it is the same with the blank-book and writing-paper manufacturers, and we trust you will do all you can to defeat these treaties.

We remain, with much respect, yours, very truly,

SMITH PAPER CO.,

WELLINGTON SMITH, *Treasurer.*

HON. HENRY CABOT LODGE,

United States Senate, Washington, D. C.

PERFUMES.

Under section—	Present rate.	Treaty rate.	Reduction.	Amount imported 1898.	Duty collected 1898.
2.....	<i>Per cent.</i> 67.72	<i>Per cent.</i> 60.95	<i>Per cent.</i> 10	} \$367,841	\$183,920
70.....	50	45	10		

NEW YORK, *January 31, 1900.*

SIR: Agreeably to your request, made at a recent interview, the Manufacturing Perfumers' Association of the United States begs to submit for your information certain facts and conclusions relating to the probable effect upon the manufacture of domestic perfumery by the ratification of the pending reciprocity treaty with France.

As allusion is made in this paper to certain figures of record in public documents, we beg to submit a statement of these figures for your convenient reference.

Imports of perfumery and toilet preparations for 1884 and from 1890 to 1899, with percentage of duty on same.

Alcoholic perfumery (paragraph 2).				Preparations for hair, mouth, skin, and teeth (paragraph 70).		
Year.	Value of imports.	Duty.	Equivalent ad valorem duty.	Value of imports.	Duty.	Total of paragraphs 2 and 70.
1884	\$273,897	\$2 per gallon and 50 per cent.	61.32	\$163,178	50 per cent....	\$437,070
1890	257,464	.....do	62.25	118,139	.....do	875,603
1891	258,831	.....do	62.74	159,125	.....do	417,956
1892	267,331	.....do	62.25	176,324	.....do	443,655
1893	296,706	.....do	61.77	209,777	.....do	506,483
1894	233,281	.....do	61.56	170,709	.....do	403,990
1895	300,569	.....do	63.27	30,245	.....do	587,350
1896	337,065	.....do	62.48	256,536	40 per cent....	
1897	374,497	.....do	64.81	263,881	.....do	600,946
1898	16,666	.....do	67.83	320,100	.....do	694,597
1898	262,271	60 cents per pound....	67.72	10,373	.....do	418,219
	832,626	45 per cent.....		124,010	50 per cent....	
1899 .....		.....do	67.72	167,100	.....do	499,726

We beg to call your attention to the fact, made apparent in the statistical table, that the duty of \$2 per gallon and 50 per cent ad valorem under paragraph 2 and 50 per cent under paragraph 70 has not had the effect of diminishing the importations of foreign perfumery.

It will also be noted that the reduction of duty under paragraph 70, from 50 per cent to 40 per cent, which took effect in 1894, caused a considerable increase in the importation of foreign goods, and in spite of the fact that in 1897 the equivalent ad valorem duty under paragraph 2 was raised from 64.81 per cent to 67.72 per cent the importations of foreign perfumery increased.

It is believed moreover that the figures showing the total imports do not show the real value of the goods imported. It is believed that, by a system of diminished values (we will not say undervaluations), foreign manufacturers import, at a reduction of duty paid, a larger amount of goods than appears on the records.

We are credibly informed that a single house in New York City, acting as agents for a Paris perfumer, sold during the calendar year 1899 over \$400,000 worth of goods. We have no reason to doubt this statement, coming as it does from a reliable source.

If these facts are as stated, we submit to your honorable committee that a discrepancy exists between the figures of imports as published when compared with the amount of goods actually imported and sold in the United States. It is proper to point out, however, that the value of goods sold by this house includes the cost of the goods, the duty paid, and the selling agent's percentage of profit. But admitting this and considering that these figures represent the importations of one house only (while many French perfumers are sending their goods to this country) is it not reasonable to infer that the combined importations of all French manufacturers are larger than appear on the records?

Per cent.

The present equivalent ad valorem duty is..... 67.72
A reduction of 10 per cent under the treaty equals..... 6.77

And would make the duty equal to..... 60.95

This would reduce the equivalent ad valorem duty lower than it has been in many years, as will be seen by the foregoing table, when the duty in 1884 was 61.32 per cent. If, with the present duty, the importations have not been diminished, or, as a matter of fact, have not been prevented from increasing, what may be expected if the proposed reduction is made?

In addition to foreign competition the perfumery business has domestic burdens not conducive to its prosperity.

INTERNAL-REVENUE STAMP TAX.

In 1898 perfumery manufacturers, in common with manufacturers of medicinal preparations, were singled out for special-stamp tax. A tax of 2½ cents on a dollar of the retail price was imposed, and this is equivalent to about 5 per cent on the wholesale price. A large tax it must be admitted and especially onerous as this tax now applicable only to these two classes should also be borne by others now exempt.

INTERNAL-REVENUE TAX ON ALCOHOL.

For a number of years the tax on alcohol remained at 90 cents per proof gallon. In 1894 it was raised to \$1.10 a proof gallon, which is equal to \$2.11 on every gallon of cologne spirits (high-proof alcohol) used in the manufacture of domestic perfumery. This is a heavy burden for any manufacturing business, and in considering the effect of the proposed treaty on this industry we beg you to take these facts into consideration.

OTHER REASONS WHY THE TREATY WITH FRANCE SHOULD NOT BE RATIFIED.

1. The business has partially adjusted itself to the conditions arising from the enactment of the Wilson bill in 1894, when the internal-revenue tax on alcohol was increased 38 cents on every gallon of cologne spirits used. This extra tax has been and still remains an expense. It adds to the cost of manufacture. Prices are lower now than they were in 1894, and manufacturers have never been able to recoup themselves for this extra cost.

2. The business has measurably adjusted itself to the imposition of the war-revenue stamp tax.

3. We submit if it be wise to so radically change the duty on perfumery manufactures and thus, besides inviting new competition from foreign parts, necessitate the adjustment of the business to the new conditions. We do not believe the perfumery business would recover from such a blow, and the notable advance made in this industry during the last twenty-five years would probably be destroyed. Explanatory of this statement, we would say that in 1874 there were but three or four perfumers in the United States, while to-day there are over fifty, who employ many hundreds of people and whose business, in many cases, under a material reduction in the tariff, would be destroyed.

Prosperity is with us, and in 1899 was in cheerful contrast with the previous years of depression, and we submit that no treaties with foreign countries should be entered into that would even partially arrest this prosperity.

4. The French reciprocity treaty can not redound to the benefit of American manufactures, for it has in it elements antagonistic to a protective policy. It must lead to free trade in a greater or less degree.

If we ratify this treaty with France we really open the doors of the United States to all importations under it at the reduced rate, for the treaty nation may be made a cover for other European shipments. France would be used as a warehouse for Germany, England, and other nations, and the identity of the goods so destroyed as to be practically beyond detection. If the present rate of duty on perfumery and toilet soaps is insufficient to prevent an increase of imports, what must be the result of the proposed reduction of 6.77 per cent under the terms of the treaty.

France is already enjoying the benefits of reciprocity to a certain extent under section 3 of the act of 1897, so far as it relates to certain articles which are specified in such section; and although certain terms in the new treaty are speciously worded so as to appear to make it to our advantage to ratify it, provisions are therein contained which could be used to nullify the reduction on the main articles of export from this country to France.

It is a noticeable fact that we are not exporting to France at present, or if so only in a small way, cattle, sheep, skins and hides, typewriting machines, manufactures of leather, eggs, horses, wheat flour, builders' hardware, cast iron, electrical machinery, honey, hogs, vehicles, sewing machines, boots and shoes, machine tools, manufactures of paper, because of the restrictions placed upon their entry there either by tariff, sanitary, or other regulations. Most of these articles are exempt from the operations of this treaty, and the provisions contained in Article I— "the right to provide sanitary measures against the introduction of pests, or of infection, or of contagious diseases is reserved"— would give an ample loophole to nullify the advantages of the treaty itself, especially as to provisions and agricultural products.

NONCONFORMITY OF THE TREATY WITH THE LAW.

The treaty does not conform in its wording to the language of the law. The language of the treaty is (Article II): "Articles of merchandise being the product of the soil or industry of the United States or of France or of Algeria."

The language of the law is: "Goods, wares, and merchandise of the United States;" "goods, wares, and merchandise from the country."

Again, the language used in the paragraphs of articles in the treaty varies from the language of the corresponding paragraphs in the tariff law of 1897. Manifestly these ambiguities would create friction in enforcing the treaty, and would probably make nugatory many of its provisions.

We further beg to call your attention to the tariff law of 1897, section 4, page 60, wherein the authority to the Executive to negotiate this treaty was given. The law says that the treaty "shall provide for the reduction during a specified period not exceeding five years of the duties imposed by this act, to the extent of not more than 20 per cent thereof."

Article V of the treaty provides that the treaty "shall, subject to the provisions of Article IV, continue in force for the term of five years from the date of such exchange of ratifications unless one of the high contracting parties shall in the meanwhile have given notice to the other of its wish to terminate the same, in which case the convention shall be terminated twelve months from the reception of such

notice by the other party. If neither high contracting party shall have given such notice before the expiration of five years, the convention shall continue in force from year to year thereafter until twelve months after such notice shall have been given."

We submit that the treaty and the law are at variance, and should this treaty be ratified there is no reason why the provisions of the treaty, which in the law of 1897 is strictly limited to five years, could not be indefinitely extended and prolonged.

Respectfully submitted.

HENRY DALLEY, *President.*

Hon. CUSHMAN K. DAVIS,

*Chairman Committee on Foreign Relations,
Washington, D. C.*

TILES, FIRE BRICK, ETC.*

Under section—	Present rate.	Treaty rate.	Reduction.	Amount imported 1898.	Duty collected 1898.
	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>		
87.....	45	40.5	10	.....	.....
88 (not more than 40 cents per square foot value) ..	72.58	65.33	10	.....	.....
Exceeding 40 cents value	39.22	35.30	10	.....	.....
				Less than \$30,000 from world.	

DECEMBER 19, 1899.

DEAR SIR: I have your letter of the 13th instant, and, as requested, I give you some details of the tile industry, and my opinion as regards the detriment to the business in case the French treaty is ratified.

Tile manufacturing in the United States dates back about 20 years. Our plant was the first to produce artistic tiles, and I believe there was only one, or possibly two, other works at that time in operation in this country. A great deal of money had to be spent in experiments before any profit at all was obtained. Under the tariff law in force previous to the present one, many of the cheaper quality of English and French tiles came into this country. When the present law was enacted a higher duty was placed on the goods, and now the manufacturers (about 16) are all doing fairly well. It is the cheaper grade of tiles that is used in largest quantities, and in my opinion there is not much difference in the quality of any of them.

A large percentage of the cost of making tiles is the labor, and as there is not much machinery used in handling them the relative cost of producing here and abroad is full as much proportional to the wages paid as in any other industry I know of. This I think is an important point, as an argument often made by opponents of a protective tariff is that regardless of the wages paid per day or per week the labor cost is such and such an amount, arguing that our labor is more efficient, etc. As I have said, in the tile business an American can not shovel coal any faster than a Frenchman. He can not place the tiles any faster in the kilns, etc. I therefore emphasize the fact that in no business that I know of should there be a tariff so adjusted as to make up for the difference in rate of labor.

* See last paragraph, page 540.

There is a large amount of capital invested in the business, a comparatively small proportion of it, however, being in New England. We are, I believe, the only manufacturers in New England. I am advised that the wages paid in France for this kind of work are only about one-half what is paid in this county.

The other manufacturers in the country are no doubt supplying their Senators with data in this important matter and I am sure you will find them all of one mind.

I hold myself in readiness at any time to give you any further information in my power.

Yours, very truly,

JOHN F. LOW.

Hon. HENRY C. LODGE,
Washington, D. C.

FRANCO-AMERICAN RECIPROCITY TREATY.

HARTFORD, CONN., *February 10, 1900.*

DEAR SIR: We have recently received a very considerable amount of printed matter, urging us to call the attention of the Senators and Representatives from this State to the desirability of a favorable action by Congress upon the above treaty.

We accordingly wrote to a prominent importing house in Paris dealing largely in American machine tools, asking if they had any suggestions to make in regard to changes which would put the American machine tool trade upon a more favorable basis in France, and have at hand their reply, dated February 19, a copy of which we inclose.

Their letter is marked "confidential," and we should be pleased to have you consider it in that light. The only reason that we can conceive for their wishing it to be considered a confidential communication is that possibly the unfavorable opinion expressed by them regarding the treaty might prejudice their position with the French Government, with which they do a large business.

As the annual shipments of this company to France amount to between \$100,000 and \$200,000, we are certainly interested that in any revision of the treaty relations existing between the two Governments tending toward a reduction of the French custom duties, machine tools should not be lost sight of.

In the printed circular recently received we noted the new treaty provided for a reduction of 33½ per cent upon the present duties upon machinery and tools of all kinds, except dynamos and machine tools. We therefore do not feel inclined to urge the passage of a treaty which, while reducing the French duties upon machinery in general, particularly exempts the line of manufacture in which we are directly interested.

We feel it our duty to call attention to the foregoing condition, and beg to remain, dear sir,

Very respectfully, yours,

THE PRATT & WHITNEY Co.,
FRANCIS C. PRATT,
Foreign Sales Manager.

Hon. JOSEPH R. HAWLEY,
Washington, D. C.

PARIS, *February 19, 1900.*

GENTLEMEN: We have your favor of the 7th instant in regard to the proposed Franco-American treaty. We do not think that our suggestions would be of any use, since it has been accepted by the American representatives that there would be no change in the duty on the part of France for American machine tools; but allow us to say this treaty will be a pity if voted by your Congress, as our impression, shared by many importers of American goods, is that the United States will get no advantage in it, and in fact you will notice that agricultural implements, machine tools, etc., which are exported more and more every day from your country to France, have been entirely excluded, so we wonder where the advantages are on your side.

We remain, gentlemen, yours, truly,

PRATT & WHITNEY Co.,
Hartford, Conn.

April 5, 1900.

[Senate Document No. 268.]

Mr. Davis, from the Committee on Foreign Relations, submitted the following report:

In February, 1848, the war with Mexico was ended by the treaty of Guadalupe Hidalgo, and our interests in an interoceanic canal became intense, through the new conditions created by the acquisition of California. It also became the interest of Great Britain to control such a canal to connect her eastern and western possessions in Canada by a shorter line of navigation. We had already acquired very important rights of transit from Colombia at Panama in 1846, and this directed the efforts of Great Britain to the Nicaraguan route, where our citizens then held valuable concessions for the construction of a ship canal.

The subject of a canal was then, as it is now, of more interest to the world than every other feature of Central America. Our treaty rights and obligations were settled with Colombia (then New Granada) by a convention concluded in 1848, under negotiations that were begun in 1846. This convention is still in force, but is determinable on twelve months' notice by either party. Under its authority the Panama Railroad was constructed, under a charter granted in New York, and is now alleged to belong to the Panama Canal Company.

On the 21st day of June, 1849, Hon. Elijah Heis, then our chargé d'affaires in Central America, negotiated a treaty with Nicaragua, in which the exclusive right to build a canal, for ships, between the Pacific Ocean and the Caribbean Sea was granted to the United States.

Other rights and powers were granted the United States by this convention which were little less than sovereign.

Mr. Heis had no authority to negotiate this treaty and Mr. Clayton, Secretary of State, severely reprimanded him for having done it.

Shortly afterwards Mr. Squire negotiated a treaty of like import with Honduras, which was suppressed by the United States to make way for the Clayton-Bulwer negotiation. Nevertheless, Mr. Clayton held these treaties in the State Department, and made use of them as a means of inducing the British Government to negotiate the Clayton-Bulwer treaty.

In a letter to Mr. Clayton, dated September 25, 1849, Mr. Rives, our minister to France, states an interview he had with Lord Palmerston, in which he said—

that there was one question which, unless great prudence and caution were observed on both sides, might involve the two Governments, unwittingly, in collision.

That question was the support given by Great Britain to the claim of "ownership and sovereign jurisdiction by the Mosquito Indians of the mouth and lower port of the river San Juan de Nicaragua." He said that—

The United States were necessarily parties to this question in their own right.

That citizens of the United States had entered into contract with Nicaragua to open a communication between the Atlantic and Pacific oceans by the river San Juan and the Nicaragua Lake.

That the Government of the United States, after most careful examination of the subject, had come undoubtedly to the conclusion that upon both legal and historical grounds the State of Nicaragua was the true territorial sovereign of the river San Juan as well as of Nicaragua Lake, and that it was therefore bound to give its countenance and support by all proper and reasonable means to rights lawfully derived by their citizens under a grant from that sovereign.

* * * That the United States sought no exclusive privilege or preferential right of any kind in regard to the proposed communication, and their sincere wish, if it should be found practicable, was to see it dedicated to the common use of all nations, on the most liberal terms and a footing of perfect equality for all.

That the United States would not, if they could, obtain any exclusive right or privilege in a great highway which naturally belonged to all mankind.

That while they aimed at no exclusive privilege for themselves, they could never consent to see so important a communication fall under the exclusive control of any other great commercial power.

We thus initiated and explained our fixed policy as to a canal through the isthmus of Darien.

In a letter of Mr. Clayton, Secretary of State, to Mr. Lawrence, dated October 20, 1849, he further states and defines the attitude of the United States toward Great Britain on the subject of a canal, as follows.

After making overtures to Great Britain, for the purpose of securing a canal through Nicaragua under the joint protection of both Governments, he proceeds to say:

If, however, the British Government shall reject these overtures on our part, and shall refuse to cooperate with us in the generous and philanthropic scheme of rendering the interoceanic communication by way of the port and river San Juan free to all nations upon the same terms, we shall deem ourselves justified in protecting our interests independently of her aid and despite her opposition or hostility.

With a view to this alternative, we have a treaty with the State of Nicaragua, a copy of which has been sent to you, and the stipulations of which you should unreservedly impart to Lord Palmerston.

(This was the Heis-Selva treaty.)

You will inform him, however, that this treaty was concluded without a power or instructions from this Government; that the President had no knowledge of its existence or of the intention to form it until it was presented to him by Mr. Heis, our late chargé d'affaires to Guatemala, about the 1st of September last, and that consequently we are not bound to ratify it and will take no step for that purpose if we can by arrangements with the British Government place our interests upon a just

and satisfactory foundation. But if our efforts to this end should be abortive, the President will not hesitate to submit this or some other treaty which may be concluded by the present chargé d'affaires to Guatemala to the Senate of the United States for their advice and consent with a view to its ratification, and if that enlightened body shall approve it he also will give it his hearty sanction and will exert all his constitutional power to execute its provisions in good faith, a determination in which he may confidently count upon the good will of the people of the United States.

I am, sir, etc.,

JOHN M. CLAYTON.

This paper was submitted to the British Government.

It was an explicit and peremptory demand for an agreement that would give to Nicaragua the freedom of exit to the sea through the San Juan River for a ship canal that should be open to all nations on equal terms and protected by an agreement of perfect neutrality.

In the origin of our claim to the right of way for our people and our produce, armies, mails, and other property through a canal which our citizens had contracted with Nicaragua to build, we offered to dedicate the canal to the equal use of mankind. We offered to make it neutral ground, and denied to our Government the exclusive right to use and control it.

We went further and, with a treaty in our hands in which Nicaragua had granted us exclusive rights and powers for building and owning a canal, we refused to ratify it, but laid it before Great Britain as an argument to induce that Government to withdraw her protectorate over the Mosquito Indians, who then claimed to hold the mouth of the San Juan de Nicaragua in lawful and independent sovereignty under the protection of Great Britain.

As to neutrality and the exclusive control of the canal and its dedication to universal use, the suggestions that were incorporated in the Clayton-Bulwer treaty came from the United States and were concurred in by Great Britain.

In no instance has the Government of the United States intimated an objection to this treaty on account of the features of neutrality and its equal and impartial use by all other nations. Nor has this Government ever proposed to Great Britain to cancel, amend, or annul the entire treaty or any separate part of it until the present negotiation, which resulted in the convention now before the committee for consideration.

The earliest declaration against the exclusive military control of an isthmian canal was made by Mr. Cass, August 24, 1857. Replying to a letter of Lord Napier, which suggested the plan of a joint protectorate of any transoceanic canal through the Isthmus of Darien by Great Britain, France, and the United States, Mr. Cass said:

It is important that they (the canals) should be kept free from the danger of interruption by the governments through whose territories they pass, or by hostile operations of other countries engaged in war.

While the rights of sovereignty of the local governments must always be respected, other rights also have arisen in the progress of events involving interests of great magnitude to the commercial world and demanding its careful attention and, if need be, its efficient protection.

In view of these interests and after having invited capital and enterprise from other countries to aid in the opening of these great highways of nations, under pledges of free transit to all desiring it, it can not be permitted that these governments should exercise over them (the canals) arbitrary and unlimited control, and close them or embarrass them without reference to the wants of commerce or the intercourse of the world.

Equally disastrous would it be to leave them at the mercy of every nation which, in time of war, might find it advantageous, for hostile purposes, to take possession of them and either restrain their use or suspend it altogether.

The President hopes that by the consent of all maritime powers all such difficulties may be prevented, and the interoceanic lines, with the harbors of immediate approach to them, may be secured beyond interruption to the great purposes for which they were established.

Thus the United States in the beginning, before the Clayton-Bulwer treaty, took the same ground that is reached in the convention of February, 1900, for the universal decree of the neutral, free, and innocent use of the canal as a world's highway where war should not exist and where the honor of all nations would be a safer protection than fortresses for its security. From that day to this these wise forecasts have been fulfilled and Europe has adopted, in the convention of Constantinople, the same great safeguard for the canal that was projected by Mr. Cass in 1857.

The only objections that have been urged by the United States have not related to the treaty as a binding compact, but to the conduct of Great Britain in executing its terms and in refusing to abandon certain islands and coast possessions which she claimed were not held after the date of the treaty in violation of its terms.

On this subject there was a radical difference of opinion between the two Governments which involved the true interpretation of the first article of the treaty. Great Britain more than once suggested that either the difference of interpretation should be submitted to arbitration or that she would consent to abrogate the treaty, and the United States declined the overtures.

In 1854 the Dallas-Clarendon treaty was negotiated for the settlement of all disputed matters that had arisen under the Clayton-Bulwer treaty. It failed under an amendment by the Senate of the clause relating to the Bay Islands of Honduras. As to all other matters it was satisfactory and it made no changes or new provisions as to any matter relating to the canal. Thus, both Governments reaffirmed these provisions of the Clayton-Bulwer treaty, which had been under searching examination for four years.

In 1858, eight years after the Clayton-Bulwer treaty was concluded, Mr. Cass, in a letter to Lord Napier, said:

The attempts to adjust the Central American questions by means of a supplementary treaty having failed of success, and the subject not being of a character, in the opinion of the United States, to admit of their reference to arbitration, the two Governments were thrown back upon their respective rights under the Clayton-Bulwer treaty.

In the same letter Mr. Cass added the following:

While each Government, however, had continued to insist upon its own construction of the treaty, there was reason to believe that the embarrassments growing out of their conflicting views of its provisions might be practically relieved by direct negotiations between Her Majesty's Government and the States of Central America.

In this way it seemed possible that, without any injustice to those States, the treaty might be rendered acceptable to both countries as well as operative for the disinterested and useful purposes which it had been designed to serve.

On the 30th of April, 1852, Mr. Webster, Secretary of State, and Mr. Crampton, British minister to the United States, recommended jointly to both Governments the completion of article 2 of the Clayton-Bulwer treaty, which was left open for further agreement.

Their joint recommendation was as follows:

V. Whereas it is stipulated by Article II of the convention between Great Britain and the United States of America, concluded at Washington on the 19th day of April, 1850, that vessels of the United States or Great Britain traversing the said canal shall, in case of war between the contracting parties, be exempt from blockade, detention, or capture by either of the belligerents, and that that provision should extend to

such a distance from the two ends of the said canal as might thereafter be found expedient to establish; now, for the purpose of establishing such distance within which the vessels of either of said nations shall be exempt from blockade, detention, or capture by either of the belligerents, it is hereby declared that it shall extend to all waters within the distance of twenty-five nautical miles from the termination of said canal on the Pacific and on the Atlantic coasts.

It was for the purpose of settling the only disputed questions that had arisen out of the Clayton-Bulwer treaty that Sir William Gore Ouseley was sent by Lord Napier to adjust the territorial rights of Great Britain with Nicaragua, Honduras, and Guatemala, these being the only States whose territorial rights were in dispute.

The treaties were made and ratified, and with some amendments, to which we have made no objections, they are still in force as permanent settlements of all the questions raised as to boundaries and jurisdictions. The treaty with Nicaragua was intended to remove the Mosquito Indians from the coast that included Greytown and the mouths of the San Juan River, and to leave Nicaragua free from the alleged sovereign rights of those people, and it absolved her from all claim of Great Britain to control that region, in virtue of her protectorate over them or otherwise.

This is a permanent result that freed the canal line from all embarrassment of any jurisdictional right or power of Great Britain over it. It is a contract with Nicaragua which cleared off all British incumbrance from her territory along the San Juan River and left Nicaragua free to deal with the United States respecting her own undisputed territory.

If the Clayton-Bulwer treaty had been abrogated since the date of her treaty with Nicaragua it would not have entitled Great Britain to claim the restoration of the *statu quo* and the resumption of her alleged rights as suzerain over the Mosquito Indians, which was relinquished to Nicaragua by a later treaty. Nicaragua was not a party to the Clayton-Bulwer treaty, but, as between the United States and Great Britain, its revocation or abrogation would have canceled the prohibition in article 1 against the right of Great Britain to treat with Nicaragua for the exclusive control of an interoceanic canal through her territory.

By her treaty of 1860 with Nicaragua, which was provided for in the Clayton-Bulwer treaty, Great Britain obtained the same rights and assumed the same obligations that we acquired seven years later, in 1867, by our treaty with Nicaragua.

These rights and duties, while they are very extensive and quite sufficient to establish through their exercise a control of the canal that would become supreme in the hands of a great power, are not "exclusive."

This magic word has paralyzed the eager desire of the two great powers to control this canal for fifty years, and now its disappearance leaves us free to construct and control the canal, excluding any right of Great Britain to interfere.

The other disputed matters relating to British aggression in Honduras and Guatemala were all settled by these treaties that were so hopefully welcomed by Mr. Cass.

In making these treaties Sir William Gore Ouseley did not remove all the contentions of our Government as to the alleged violations of the Clayton-Bulwer treaty. Some of these continued to be serious grounds

for diplomatic controversy, but no demand has been made for the modification or readjustment of them for all these years—nearly a half century—during which national rights and occupations, even if they were unlawful in their origin, have ripened into sovereign rights and titles. Our recent arrangement with Great Britain for the establishment of boundaries in Venezuela has established principles that give absolute repose to rights that have been so long acted upon by nations and peoples.

The present abrogation of the Clayton-Bulwer treaty would not in the least reinstate the rights of Honduras or Guatemala, as we allege they were in 1850. Neither do those States ask our intervention in their affairs. But we have a more compulsory reason, one that involves our due respect for the history of our own country, for ceasing to bring into further discussion the questions of good faith on the part of Great Britain in the execution of the stipulations and the purposes of the Clayton-Bulwer treaty.

Conceding that all our contentions were just, as they manifestly were, as to the conduct of Great Britain in holding to the mouths of the San Juan River after the treaty was ratified and in raising a logging camp to the dignity of a crown colony at Belize, and in her aggressions at Ruatan and the Bay Islands, these aggressions were intended by both Governments to be corrected through the treaties made by Sir William Gore Ousley with these three republics.

All these treaties were most carefully examined by the President of the United States, and were laid before Congress in his annual message in December, 1860.

Congress expressed no dissent to them, or to the President's declaration that "the dangerous questions arising from the Clayton and Bulwer treaty have been amicably settled." We can not now assert to the contrary and, for the purpose of abrogating that treaty, we can not insist that those questions are not settled.

But the President went still more fully and carefully into the matter and made the following conclusive statement, in which he points out the "discordant constructions" of the Clayton-Bulwer treaty, as the matter that is settled. He says:

The discordant constructions of the Clayton and Bulwer treaty between the two Governments, which at different periods of the discussion bore a threatening aspect, have resulted in a final settlement entirely satisfactory to this Government.

As no Congress from that day to this has disputed the validity and finality of this settlement, it can scarcely be justifiable now to set up those same "discordant constructions," or the alleged want of good faith in the British Government in executing the treaty, as a reason for declaring that the treaty is in fact abrogated. The President then proceeds to restate the actual controversies and the manner of their settlement, as follows:

In my last annual message I informed Congress that the British Government had not then "completed treaty arrangements with the Republics of Honduras and Nicaragua in pursuance of the understanding between the two Governments. It is, nevertheless, confidently expected that this good work will ere long be accomplished."

This confident expectation has since been fulfilled. Her Britannic Majesty concluded a treaty with Honduras on the 20th of November, 1859, and with Nicaragua on the 28th of August, 1860, relinquishing the Mosquito protectorate. Besides, by the former, the Bay Islands were recognized as part of the Republic of Honduras. It may be observed that the stipulations of these treaties conform in every important particular to the amendments adopted by the Senate of the United States to the treaty

concluded at London on the 17th of October, 1856, between the two Governments (the Dallas-Clarendon treaty).

It will be recollected that this treaty was rejected by the British Government, because of its objection to the just and important amendment of the Senate to the article relating to Ruatan and other islands in the Bay of Honduras.

It is not possible to ignore a fact or situation so fully and impressively declared by the President in a message to Congress, and acquiesced in by the failure of Congress to signify any dissatisfaction toward the final settlement so declared, as to the only points of contention that had then arisen under the Clayton-Bulwer treaty.

The conclusion is unavoidable that the Government of the United States acknowledged, in 1860, that the Clayton-Bulwer treaty was an obligatory convention and that it had been fully and satisfactorily executed on the part of Great Britain as to all questions which, up to that time, had been controverted between the two Governments.

But before 1860 every American President and diplomatist who had discussed the subject adhered to the declaration that the treaty had not been abrogated and was in full force as to all of its provisions.

Notably among these declarations is that of William L. Marcy, in 1853, in a letter to Mr. Buchanan, our minister to Great Britain, in which he says:

In relation to the Clayton-Bulwer treaty, about which so much is said in your dispatches, I have only to remark that this Government considers it a subsisting contract, and feels bound to observe its stipulations so far as by fair construction they impose obligations upon it.

In communicating to Lord Clarendon the views of our Government as to affairs in Central America, in a letter dated London, January 6, 1854, Mr. Buchanan, speaking of the Monroe doctrine, said:

While this doctrine will be maintained whenever in the opinion of Congress the peace and safety of the United States shall render this necessary, yet to have acted upon it in Central America might have brought us into collision with Great Britain, an event always to be deprecated and, if possible, avoided.

We can do each other the most good and the most harm of any two nations in the world, and therefore it is our strong mutual interest, as it ought to be our strong mutual desire, to remain the best friends. To settle these dangerous questions both parties wisely resorted to friendly negotiations, which resulted in the convention of April, 1850. Surely the Mosquito Indians ought not to prove an obstacle to so happy a consummation.

In his statement of the questions in issue between the Governments, made to Lord Clarendon on July 22, 1854, Mr. Buchanan said:

In conclusion, the Government of the United States most cordially and earnestly unites in the desire expressed by Her Majesty's Government not only to maintain the convention of 1850 intact but to consolidate and strengthen it by strengthening and consolidating the friendly relations which it was calculated to cement and perpetuate.

Thus it is manifest that the Clayton-Bulwer treaty was regarded by our Government as the peaceful solution of a very grave situation in 1850 that we were not prepared to accept as a *casus belli*, having just emerged from a great and expensive war with Mexico.

It was then felt by the American people that the attitude of Great Britain in her Central American policy was distinctly aggressive toward the United States and was unjust, overbearing, and dangerous to the future of our country, and much of that sentiment still strongly affects our people. But they cheerfully accepted the treaty of April, 1850.

The Clayton-Bulwer treaty certainly avoided hostile collision between these two great powers, whatever may have been its faults as an

entangling alliance, or national humiliation to us, or as the cause of protracted and heated diplomatic controversy. It destroyed the Heis-Selva treaty with Nicaragua in 1849, under which the canal would have been built forty years ago, and the Frelinghuysen-Zavalla treaty of 1884, under which the canal would now be in complete operation; yet we have not sought to abrogate it, although Mr. Blaine and Mr. Frelinghuysen, while Secretary of State, both proposed to modify it in certain important particulars.

Since 1860 the Clayton-Bulwer treaty has been in some way recognized by the Government in each of the succeeding Administrations as a subsisting compact.

Strong reasons for its abrogation have been frequently stated, and some have always denied its obligatory force, but no movement to accomplish that result has been made, either by Congress or the Executive.

Since 1860 the point and stress of our objections to this treaty have been directed to the embarrassment it has occasioned to our efforts to construct and control a canal through Costa Rica and Nicaragua.

We are no longer contending against British rights or interests settled in the treaties with Nicaragua, Honduras, and Guatemala, concluded since 1860, and have not manifested any disposition to unsettle those matters. They were referred to in our diplomatic papers only as proofs of an unfriendly attitude of Great Britain to our having proper and necessary influence in constructing and controlling the canal, that it was the avowed and leading purpose of the Clayton-Bulwer treaty to facilitate.

This treaty is, therefore, open and existing as a binding and unexecuted compact with the express approval of the United States as to the question of our control over the canal and our right to build and fortify it. It is executed and, therefore, unrepealable as to all other questions and matters covered by its provisions. A question of its abrogation, raised at this time, would only relate to the parts of the treaty that remain to be executed.

The abrogation of this part of the treaty would leave Great Britain in the possession of the rights she has acquired in her treaties with Guatemala and Honduras as to the territory of those States, and it would leave her in the enjoyment of her treaty rights, as to the canal, that are granted her by Nicaragua in the treaty of 28th of August, 1860.

These rights are identical with those acquired by the United States in the treaty with Nicaragua of June 1, 1867. Neither Government, therefore, can now dispute the rights granted to the other by Nicaragua under these treaties. These treaty rights, which are identical, are also valid under the Clayton-Bulwer treaty, being in furtherance of it. That treaty contemplated the building, ownership, and control of the canal by chartered companies and not by governments.

The identical treaties of Great Britain and the United States with Nicaragua provide for the protection of the canal and the companies of construction by the Governments, with the use of military or civil instrumentalities, and they limit the profits of the concessionary companies to 15 per cent.

In other respects, the governmental supervision for the protection of the concessionaires, whether British or American, is nearly supreme, and would soon become absolute in the dealings of either of these

powers with the protection of their citizens, or subjects, holding concessions from Nicaragua.

As matters stand, it has all the time, since these identical treaties were concluded, been a race of diligence between American and British concessionaires as to which of them should gain the control of the canal. One company being installed would, necessarily, exclude any other.

The right to a footing in Nicaragua, thus acquired by Great Britain, is full of peril to this Republic and could only be disposed of by further agreement, or by war, or by uniting the interests of both Governments in the joint ownership and control of the canal. Such an arrangement, while it is still desired by some, would be a fatal mistake that would soon involve the countries in war, or it would enlarge and solidify the scheme of alliance that is embodied in the Clayton-Bulwer treaty into a practical alliance, offensive and defensive, in the control of navigation and the commerce of the world. It is these later treaties that present the real ground of our present difficulty from which the convention of 1900 relieves us.

If we should abrogate the parts of the Clayton-Bulwer treaty which forbid the exclusive control of the canal by either Government, thereby removing that restriction from Great Britain, we would deliberately open the door to her natural desire to obtain the right of the exclusive control of the canal under the treaty with Nicaragua, concluded in 1860. Great Britain has a claim to the exclusive control of the canal that is very important to her, in that the British Possessions and the Dominion of Canada have coasts and great seaports on both oceans.

No other nation except the United States could have so great an interest in the exclusive right to own and control an isthmian canal, but in this matter, come what may, we are compelled to assert the superiority of our right, now for the first time conceded by Great Britain. It is wise and just, therefore, that the value of this concession to us should be estimated as a great consideration for anything we may yield, if we, indeed, yield anything, in acquiring the exclusive right to control the canal by a modification of the Clayton-Bulwer treaty.

In the convention of February 5, 1900, Great Britain agrees that the restriction as to the exclusive control of the canal imposed by the Clayton-Bulwer treaty shall continue to bind her, while the United States is released from it.

This leaves us free to acquire from Costa Rica and Nicaragua the exclusive control of the canal for the Government or for our citizens under the protection of the United States, while it cuts off Great Britain from any such right.

The purpose of this convention is—

to facilitate the construction of a ship canal to connect the Atlantic and Pacific oceans, and to that end to remove any objection which may arise out of the convention of April 19, 1850, to the construction of such canal under the auspices of the United States.

The "objections" that may arise under the Clayton-Bulwer treaty are—

(1) That neither the one nor the other (Government) will ever obtain or maintain for itself any exclusive control over the said ship canal.

(2) That neither will ever erect or maintain any fortifications commanding the same, or in the vicinity thereof, or occupy, or fortify, or colonize, or assume or exer-

else any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America.

(3) Nor make any use of any protection which either affords or may afford, or any alliance which either has or may have, to or with any State or people for the purpose of erecting any such fortifications, or of occupying or fortifying or colonizing Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America, or of assuming or exerting dominion over the same.

(4) Nor will the United States or Great Britain take advantage of any intimacy, or use any alliance, connection, or influence that either may possess with any State or Government through whose territory the said canal may pass for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one any rights or advantages in regard to commerce or navigation through the said canal which shall not be afforded on the same terms to the citizens or subjects of the other.

Of this series of restrictions there are few, if any, that are not or may not become "objections" to the enjoyment of "all the rights incident to the construction (of the canal) as well as to the exclusive right of providing for the regulation and management of the canal." These grounds of objection to our exclusive control of the canal are all removed by this convention, except those that relate to fortifications, which, being expressly restated, are retained in a new or modified form.

This sweeping modification of article 1 of the Clayton-Bulwer treaty, as to all its restrictions upon the right of the United States, under its auspices, to construct the canal and to have and enjoy all the rights—such as ownership—incident to its construction, as well as the exclusive right of providing for its management and regulation, leaves no ground, substantial or conjectural, on which Great Britain could hereafter contend for any of the restrictions contained in that article (not expressly excepted) as remaining in force against the United States.

She consents to remain under the prohibitions of that article and consents that the United States shall be released from them in her negotiations with Costa Rica and Nicaragua for such exclusive rights in or relating to the canal as they may concede to the United States.

If this convention is ratified, Great Britain could not negotiate with Costa Rica or Nicaragua or any other American State for any right to build, own, control, manage, regulate, or protect a canal to connect the oceans, while the United States is left free to enter upon and conclude such negotiations.

There is nothing, therefore, to the prejudice of the United States in the convention of 5th February, 1900.

No American statesman, speaking with official authority or responsibility, has ever intimated that the United States would attempt to control this canal for the exclusive benefit of our Government or people. They have all, with one accord, declared that the canal was to be neutral ground in time of war, and always open, on terms of impartial equity, to the ships and commerce of the world.

Special treaties for the neutrality, impartiality, freedom, and innocent use of the two canals that are to be the eastern and western gateways of commerce between the great oceans are not in keeping with the magnitude and universality of the blessings they must confer upon mankind. The subject rather belongs to the domain of international law.

The leading powers of Europe recognized the importance of this subject in respect of the Suez Canal, and ordained a public international act for its neutralization that is an honor to the civilization of

the age. It is the beneficent work of all Europe, and not of Great Britain alone. Whatever canal is built in the Isthmus of Darien will be, ultimately, made subject to the same law of freedom and neutrality as governs the Suez Canal, as a part of the laws of nations, and no single power will be able to resist its control.

The European powers gave to this subject the greatest consideration, and reached conclusions that are not open to criticism as being unjust to any nation in the world. Turkey and Egypt, the imperial and the local sovereigns of the canal, and Great Britain, a controlling stockholder in the Maritime Canal Company, had special interests in the rules for regulating the use of the canal, and they united in the convention which deprived them of exceptional privileges in its navigation, in peace and in war, for the sake of justice to all maritime nations and the peace and prosperity of the world.

No nation disapproves of this great act or has had grounds of complaint against it. No American will ever be found to complain of it. It is right in its moral features, in its impartiality, and, above all, in its tendency to decrease the resort to war for the settlement of international quarrels, and it will have the cordial approval of the American people.

The United States can not take an attitude of opposition to the principles of the great act of October 22, 1888, without discrediting the official declarations of our Government for fifty years on the neutrality of an isthmian canal and its equal use by all nations, without discrimination.

To set up the selfish motive of gain by establishing a monopoly of a highway that must derive its income from the patronage of all maritime countries would be unworthy of the United States if we owned the country through which the canal is to be built.

But the location of the canal belongs to other governments, from whom we must obtain any right to construct a canal on their territory, and it is not unreasonable, if the question was new and was not involved in a subsisting treaty with Great Britain, that she should question the right of even Nicaragua and Costa Rica to grant to our ships of commerce and of war extraordinary privileges of transit through the canal.

It is not reasonable to suppose that Nicaragua and Costa Rica would grant to the United States the exclusive control of a canal through those States on terms less generous to the other maritime nations than those prescribed in the great act of October 22, 1888; or if we could compel them to give us such advantages over other nations it would not be creditable to our country to accept them.

That our Government or our people will furnish the money to build the canal presents the single question whether it is profitable to do so. If the canal, as property, is worth more than its cost we are not called on to divide the profits with other nations. If it is worth less and we are compelled by national necessities to build the canal we have no right to call on other nations to make up the loss to us. In any view it is a venture that we will enter upon if it is to our interest, and if it is otherwise we will withdraw from its further consideration.

The Suez Canal makes no discrimination in its tolls in favor of its stockholders and, taking its profits or the half of them as our basis of calculation, we will never find it necessary to differentiate our rates of toll in favor of our own people in order to secure a very great profit on the investment.

In this convention we stipulate against the blockade of the canal by any nation.

In conditions that may not be entirely remote, we would find this provision, in letting our ships through the canal free from capture by our enemy, of great security to our coastwise trade.

With our naval bases at Manila, Honolulu, San Francisco, and San Diego on one side, and at San Juan, Puerto Rico, The Isle of Pines, and Key West, with other fortified naval stations, on the other side, it is extremely improbable that a fleet would cross either of the great oceans and approach the canal to find a gateway to the coasts of the other ocean.

If we are not able to handle an enemy under such disadvantages to them, our power of resistance to such a campaign would be unworthy of our country, if it would not be ludicrous.

An objection is vigorously urged by some that this convention prohibits the building of fortifications for the protection of the canal at its mouths.

The Suez Canal is in the same situation, and none of the European powers would have it otherwise, because it is to the interest of all nations that war shall not exist in or near the canal, and it is made a national crime for any nation to violate the neutral ground. No nation is willing to incur universal hostility by violating the sanctity of waters in which all have equal rights.

This is as near an approach to perfect security against assault as can be provided by any human agency, and far more safe than could be given by any fortress.

If we owned the canal from Greytown to Brito, and if each port was protected by a fortress, it would impose on us the necessity of permanent garrisons to hold them, otherwise the canal would fall into the hands of local military adventurers, or those from neighboring States.

With the military police by the United States, provided for in this convention for the protection of the canal, its defense can be made perfect against any foreign power that is not strong enough to occupy the country and hold it against all comers.

In any event, if wars are to come that will involve the ownership or control of the canal or the right of passage through it, no battle should ever be fought in the region near to it. To make the canal a battle ground is necessarily to expose it to destruction, and the erection of fortresses for its protection will invite hostilities to its locality.

Costa Rica and Nicaragua, with our assistance, can always protect the canal against attack by land, and our fleets are the only safe reliance to repel an attack from the sea. In either case, if the canal is the objective of the attack, its defense must be made at a distance from its line of location in order to save it from destruction.

But the real danger to the canal, from the absence of fortifications, is so slight and improbable that its discussion appears to be unnecessary. It is scarcely conceivable that Great Britain would send a fleet across the Atlantic to attack our western coasts, or across the Pacific to attack our eastern coasts.

In either case we could concentrate our fleets through the canal to meet her on either ocean before she could reach the canal. Having the short line of concentration, through the canal, as against any European or Asiatic power, our advantages would be very great, if not supreme, when they are so greatly increased by the proximity of

our ships to our naval stations on the islands and along the coasts, while our enemy would be far removed from its coal supply and other stores of munitions for naval warfare.

In the event of such wars the neutrality of the canal, secured by the consensus of all nations, would operate to our advantage by bringing our ships of war safely from ocean to ocean, into quick access to our harbor defenses.

But the canal is not dedicated to war, but to peace; and whatever shall better secure just and honorable peace is a triumph.

If this convention is ratified it will be a bond of peace which no nation will dare to interrupt, or, daring to break it, it will find that our easily marshaled powers will quickly unite through this highway of the world; and on land and sea they will be greater for our defense than all the maritime powers will be for the attack.

In time of war, as in times of peace, the commerce of the world will pass through its portals in perfect security, enriching all the nations, and we of the English-speaking peoples will either forget that this grand work has ever cost us a day of bitterness; or we will rejoice that our contentions have delayed our progress until the honor has fallen to our grand Republic to number this among our best works for the good of mankind.

It is not what remains of the Clayton-Bulwer treaty that makes this convention necessary so much as the identical treaties of the United States and Great Britain with Nicaragua in pursuance of the Clayton-Bulwer treaties, which were concluded in 1860 and in 1867. These later treaties created new conditions that stand in the way of our exclusive control of the canal, and should be removed.

A letter from a naval officer, appended to this report, presents a clear and forcible statement of the subject of the protection of the canal, which seems to cover the entire field of inquiry.

In recommending the ratification of this convention your committee advise and report an amendment, the reasons for which will now be stated.

The British Government, by a dispatch dated January 3, 1883, to its representatives at Paris, Berlin, Vienna, Rome, and St. Petersburg, expressed an opinion that an agreement respecting the Suez Canal ought to be made to the following effect:

1. That the canal should be free for the passage of all ships in any circumstances.

2. That in time of war a limitation of time as to ships of war of a belligerent remaining in the canal should be fixed, and no troops or munitions of war should be disembarked in the canal.

3. That no hostilities should take place in the canal or its approaches, or elsewhere in the territorial waters of Egypt, even in the event of Turkey being one of the belligerents.

4. That neither of the two immediately foregoing conditions shall apply to measures which may be necessary for the defense of Egypt.

This was followed by the negotiations which resulted in the convention (referred to in Article II of the pending treaty) between Great Britain and certain other powers, signed at Constantinople October 29, 1888.

A copy of that convention is annexed to this report.

The committee are in full accord with the purpose expressed in Article II of the pending convention to adopt as the basis of neutrali-

zation the indicated rules substantially as embodied in the treaty of Constantinople for the free navigation of the Suez Maritime Canal.

Sections 1 to 7 of Article II of the treaty now under consideration set out the rules of neutrality, prohibitions of hostilities, and rights of passage of the war vessels of belligerents substantially the same with those expressed in the treaty of Constantinople. Articles IV, V, and VII of that convention provide, in substance, as follows:

Article IV. The canal remaining open in time of war as a free passage even to the ships of war of belligerents according to the terms of Article I, the parties agree that no right of war, no act of hostility, nor any act having for its object to obstruct the free navigation of the canal shall be committed in the canal and its ports of access, as well as within a radius of 3 marine miles from those ports, even though the Ottoman Empire should be one of the belligerent parties. Vessels of war of belligerents shall not revictual or take in stores in the canal and its ports of access except in so far as may be strictly necessary. The transit of the aforesaid vessels through the canal shall be effected with the least possible delay. Their stay at Port Said and in the roadstead of Suez shall not exceed twenty-four hours, except in case of distress, and in such case they shall leave as soon as possible. An interval of twenty-four hours shall elapse between the departure of belligerent ships of the opposing nations.

Article V provides against the disembarking by a belligerent of troops, munitions, or material of war in the canal.

Article VI provides that prizes shall be subject to the same rules as vessels of war of belligerents.

Article VII provides that the powers shall not keep vessels of war in the canal.

The foregoing abstract is believed to express correctly those provisions of the treaty of Constantinople which have been substantially incorporated into the pending convention.

But Article X of the treaty of Constantinople prescribes limitations of the utmost importance, upon the stipulations of which an abstract has been herein presented. That article is as follows:

ARTICLE X.

Similarly, the provisions of Articles IV, V, VII, and VIII shall not interfere with the measures which His Majesty the Sultan and His Highness the Khedive, in the name of His Imperial Majesty, and within the limits of the firmans granted, might find it necessary to take for securing by their own forces the defense of Egypt and the maintenance of public order.

In case His Imperial Majesty the Sultan, or His Highness the Khedive, should find it necessary to avail themselves of the exceptions for which this article provides, the signatory powers of the declaration of London shall be notified thereof by the Imperial Ottoman Government.

It is likewise understood that the provisions of the four articles aforesaid shall in no case occasion any obstacle to the measures which the Imperial Ottoman Government may think it necessary to take in order to insure by its own forces the defense of its other possessions, situated on the eastern coast of the Red Sea.

No equivalent limitations are specifically expressed in the convention now under consideration. It may be argued with considerable force

that these limitations are implied by the general declaration in Article II of the pending treaty; that its basis is substantially the treaty of Constantinople. But this contention is not, in the opinion of your committee, so clearly correct that the question or the right can be safely left to inference or implication.

The committee think it prudent that all doubt be removed by an amendment equivalent in its substance and effect to the precedent afforded by Article X of the treaty of Constantinople, which it can not be supposed was intended to have no place in the pending convention.

In principle the same reason which justified it in the treaty of Constantinople requires that its equivalent shall be included in the pending treaty. If it was proper that the treaty of Constantinople should not interfere with the measures which the Sultan and Khedive "might find it necessary to take for securing by their own forces the defense of Egypt and the maintenance of public order," or if it was proper that the provisions of the four enumerated articles of that treaty should—

in no case occasion any obstacle to the measures which the Imperial Ottoman Government may think it necessary to take in order to insure by its own forces the defense of its own possessions situated on the eastern coast of the Red Sea—

surely the situation of the United States on both oceans, and as to the territory to be occupied by the canal itself, requires the incorporation into the pending convention of stipulations equivalent to those in Article X of the convention of Constantinople.

It was deemed wise to reserve to the Ottoman Empire the right to suspend the operations of the treaty in certain specified contingencies for the purpose of defending, by its own forces, Egypt and maintaining public order, and for the purpose of securing, by its own forces, the defense of its other possessions situated on the eastern coast of the Red Sea, a coast 1,100 miles in length, with Turkish possessions on both coasts, of nearly 600,000 square miles, inhabited by 12,000,000 of its subjects in Egypt and in the provinces of Hedjaz and Yemen on the eastern coast of the Red Sea. The same considerations, in principle, sustain the contention that the pending treaty should contain equivalent stipulations.

Irrespective of the foregoing considerations, your committee are clearly of the opinion that if Article X did not exist the true interests and security of the United States require upon the highest considerations of prudence and right the adoption of the amendment herewith proposed.

Your committee, therefore, report the following amendment to the pending treaty:

Insert, at the end of section 5, of Article II, the following:

"It is agreed, however, that none of the immediately foregoing conditions and stipulations in sections numbered 1, 2, 3, 4, and 5 of this article shall apply to measures which the United States may find it necessary to take for securing, by its own forces, the defense of the United States and the maintenance of public order."

The committee recommend that the treaty as so amended be advised and consented to.

(*The Treaty of Constantinople, October 29, 1888.*)

ARTICLE I.

The Suez Maritime Canal shall always be free and open, in time of war as in time of peace, to every vessel of commerce or of war, without distinction of flag.

Consequently, the high contracting parties agree not in any way to interfere with the free use of the Canal, in time of war as in time of peace.

The Canal shall never be subjected to the exercise of the right of blockade.

ARTICLE II.

The High Contracting Parties, recognizing that the Fresh-Water Canal is indispensable to the Maritime Canal, take note of the engagements of His Highness the Khedive towards the Universal Suez Canal Company as regards the Fresh-Water Canal; which engagements are stipulated in a Convention bearing date the 18th March, 1863, containing an exposé and four Articles.

They undertake not to interfere in any way with the security of that canal and its branches, the working of which shall not be exposed to any attempt at obstruction.

ARTICLE III.

The High Contracting Parties likewise undertake to respect the plant, establishments, buildings, and works of the Maritime Canal and of the Fresh-Water Canal.

ARTICLE IV.

The Maritime Canal remaining open in time of war as a free passage, even to the ships of war of belligerents, according to the terms of Article I of the present Treaty, the High Contracting Parties agree that no right of war, no act of hostility, nor any act having for its object to obstruct the free navigation of the Canal, shall be committed in the Canal and its ports of access, as well as within a radius of 3 marine miles from those ports, even though the Ottoman Empire should be one of the belligerent Powers.

Vessels of war of belligerents shall not revictual or take in stores in the Canal and its ports of access, except in so far as may be strictly necessary. The transit of the aforesaid vessels through the Canal shall be effected with the least possible delay, in accordance with the Regulations in force, and without any other intermission than that resulting from the necessities of the service.

Their stay at Port Saïd and in the roadstead of Suez shall not exceed twenty-four hours, except in case of distress. In such case they shall be bound to leave as soon as possible. An interval of twenty-four hours shall always elapse between the sailing of a belligerent ship from one of the ports of access and the departure of a ship belonging to the hostile Power.

ARTICLE V.

In time of war belligerent Powers shall not disembark nor embark within the Canal and its ports of access either troops, munitions, or materials of war. But in case of an accidental hindrance in the Canal, men may be embarked or disembarked at the ports of access by detachments not exceeding 1,000 men, with a corresponding amount of war material.

ARTICLE VI.

Prizes shall be subjected, in all respects, to the same rules as the vessels of war of belligerents.

ARTICLE VII.

The Powers shall not keep any vessel of war in the waters of the canal (including Lake Timsah and the Bitter Lakes).

Nevertheless, they may station vessels of war in the ports of access of Port Said and Suez, the number of which shall not exceed two for each Power.

This right shall not be exercised by belligerents.

ARTICLE VIII.

The Agents in Egypt of the Signatory Powers of the Present Treaty shall be charged to watch over its execution. In case of any event threatening the security or the free passage of the Canal, they shall meet on the summons of three of their number under the presidency of their Doyen, in order to proceed to the necessary verifications. They shall inform the Khedivial Government of the danger which they may have perceived, in order that that Government may take proper steps to insure the protection and the free use of the Canal. Under any circumstances, they shall meet once a year to take note of the due execution of the Treaty.

The last-mentioned meetings shall take place under the presidency of a Special Commissioner nominated for that purpose by the Imperial Ottoman Government. A Commissioner of the Khedive may also take part in the meeting, and may preside over it in case of the absence of the Ottoman Commissioner.

They shall especially demand the suppression of any work or the dispersion of any assemblage on either bank of the Canal, the object or effect of which might be to interfere with the liberty and the entire security of the navigation.

ARTICLE IX.

The Egyptian Government shall, within the limits of its powers resulting from the Firmans, and under the conditions provided for in the present Treaty, take the necessary measures for insuring the execution of the said Treaty.

In case the Egyptian Government should not have sufficient means at its disposal, it shall call upon the Imperial Ottoman Government, which shall take the necessary measures to respond to such appeal; shall give notice thereof to the Signatory Powers of the Declaration of

London of the 17th March, 1885; and shall, if necessary, concert with them on the subject.

The provisions of Articles IV, V, VII, and VIII shall not interfere with the measures which shall be taken in virtue of the present Article.

ARTICLE X.

Similarly, the provisions of Articles IV, V, VII, and VIII shall not interfere with the measures which His Majesty the Sultan and His Highness the Khedive, in the name of His Imperial Majesty, and within the limits of the Firmans granted, might find it necessary to take for securing by their own forces the defense of Egypt and the maintenance of public order.

In case His Imperial Majesty the Sultan or His Highness the Khedive should find it necessary to avail themselves of the exceptions for which this Article provides, the Signatory Powers of the Declaration of London shall be notified thereof by the Imperial Ottoman Government.

It is likewise understood that the provisions of the four Articles aforesaid shall in no case occasion any obstacle to the measures which the Imperial Ottoman Government may think it necessary to take in order to insure by its own forces the defense of its other possessions situated on the eastern coast of the Red Sea.

ARTICLE XI.

The measures which shall be taken in the cases provided for by Articles IX and X of the present Treaty shall not interfere with the free use of the Canal. In the same cases, the erection of permanent fortifications contrary to the provisions of Article VIII is prohibited.

ARTICLE XII.

The High Contracting Parties, by application of the principle of equality as regards the free use of the Canal, a principle which forms one of the bases of the present Treaty, agree that none of them shall endeavor to obtain with respect to the Canal territorial or commercial advantages or privileges in any international arrangements which may be concluded. Moreover, the rights of Turkey as the territorial Power are reserved.

ARTICLE XIII.

With the exception of the obligations expressly provided by the clauses of the present Treaty, the sovereign rights of his Imperial Majesty the Sultan, and the rights and immunities of His Highness the Khedive, resulting from the Firmans, are in no way affected.

ARTICLE XIV.

The High Contracting Parties agree that the engagements resulting from the present Treaty shall not be limited by the duration of the Acts of Concession of the Universal Suez Canal Company.

ARTICLE XV.

The stipulations of the present Treaty shall not interfere with the sanitary measures in force in Egypt.

ARTICLE XVI.

The High Contracting Parties undertake to bring the present Treaty to the knowledge of the States which have not signed it, inviting them to accede to it.

ARTICLE XVII.

The present Treaty shall be ratified, and the ratifications shall be exchanged at Constantinople within the space of one month, or sooner if possible.

In faith of which the respective Plenipotentiaries have signed the present Treaty, and have affixed to it the seal of their arms.

Done at Constantinople, the 29th day of the month of October, in the year 1888.

(L.S.)	W. A. WHITE.
(L.S.)	RADOWITZ.
(L.S.)	CALICE.
(L.S.)	MIGUEL FLOREZ Y GARCIA.
(L.S.)	G. DE MONTEBELLO.
(L.S.)	A. BLANC.
(L.S.)	GUS. KEUN.
(L.S.)	NÉLIDOW.
(L.S.)	M. SAÏD.

[New York Herald, Sunday, February 11, 1900.]

THE EDITOR OF THE HERALD:

All the protests against the Hay-Pauncefote treaty which are based upon the prohibition to build fortifications commanding the canal and its approaches are due to misapprehension or to ignorance of the situation. Shore emplacements could be of no war value in the protection of the canal, as its defense is essentially naval in character, and upon such a defense, and such alone, the security of this interoceanic waterway must depend.

Even with a tide-water canal, with a smoothly flowing waterway from sea to sea, forts and batteries near the entrances and supporting works at exterior and interior commanding points would be of no avail. How much more useless, then, would it be to plan and struggle to complete defensive structures for a canal interrupted by tremendous locks and fortified by an enormous dam when the detonating energy of a single stick of dynamite could smash the mechanisms beyond repair and paralyze all traffic for months to come.

Ten such locks are to be utilized in the present scheme of canalization. Six of these are to be located along the eastern section and four in the western division. Three of the former and the great dam are to be grouped about the Boca San Carlos, about 40 miles from Greytown on the Caribbean, and four others are to be built in the short section above Brito, on the Pacific. Each member of these groups is so closely associated and so dependent mutually that the work of destruction could be made most complete by the exercise of the simplest and most easily directed agencies. No watchfulness could guard against them, ~~no~~ precautions insure immunity.

USELESS FOR DEFENSE.

Why, then, attempt to create a scheme of defense that would be impotent against sea blockade on the one hand and on the other be useless against such efforts in the rear and beyond their zones of action? What is more, no reason exists to justify the hope that this country, which has so long and successfully neglected its own coasts, will be eager in building defenses at points so remote from its immediate physical frontier. Indeed, would such works be ever completed? Notably the public had learned, as it would be sure to learn, that all military experience united in denying their specific utility.

The logical and only real defense of the canal is based upon principles of strategy that are immutable, and the controlling element depends upon the possession of the "command of the sea." It is idle to go further afield and waste time, temper, and money upon other ideas, for the inquiry will be in vain. The particular command of the sea to be secured here has long been a subject of especial concern to American naval officers—first, because of the vital national interests involved, and next because the Navy's association with transisthmian and other interoceanic canal work has been so close. Our sailors were in this century among the earliest and most eager advocates of a waterway from the Atlantic to the Pacific, and they have never wavered from their faith in its feasibility nor in its enormous strategical importance to home defense. For nearly sixty years they have been the most persistent and indefatigable surveyors and explorers of the various proposed routes, and their contributions to the survey and to the elimination or establishment of suggested routes exceed those of all others engaged. They have studied the question in every phase, but mainly because of its supreme importance upon its strategic side, and they are in agreement with most students of warfare that here is a shining illustration of a condition where naval, not military, defense must be the first reliance.

The key to the situation will be found in the control of the Caribbean Sea. One strategist declares that freedom of interoceanic transit depends upon predominance in a maritime region—the Caribbean Sea—through which pass all the approaches to the isthmus. Control of a maritime region is insured primarily by a navy; secondarily by positions suitably chosen and spaced one from another, upon which, as bases, the navy rests, and from which it can exert its strength. A study of the chart will show that all of the trade routes from the east coast of America, and from the Atlantic generally, cut their shining ways into the Caribbean by channels which are comparatively narrow and easily susceptible to naval patrol and examination. The most direct sea routes from the American Gulf and Atlantic ports to the basin of the Caribbean are the Florida Straits and the Yucatan Channel, which sweep respectively along the northern and western shores of Cuba. These are the estuaries through which the trade of the Mississippi reaches the sea, and their importance to the heart of the country is so great that it is said Cuba is but an outer bar of the great river, and that its commerce depends, not upon delta and passes, but on the favoring influence of these sea waterways.

CUBA'S COMMANDING ADVANTAGE.

This commanding advantage of Cuba is augmented by its situation relative to the Windward Passage on the east, and to the channel north of Jamaica on the south. Here, then, are the converging streams which dominate the military value of the region; and, recognizing these facts, the importance of the strategical relation borne by Habana to the Florida Straits, by Cienfuegos to the Yucatan Channel, and by Santiago and Guantanamo Bay to the Windward Passage becomes evident. Capt. C. H. Stockton, United States Navy, declares that these great military posts give Cuba its strategic value to the United States, and, with that island in our possession or under our influence, the only other position needed in the Caribbean for the protection of the canal is a sufficiently good port at or near its eastern terminal, at Greytown. This terminal port should be nothing more than a deep, wide, artificial harbor or basin, where ships might be coaled at any time or be moored in safety while waiting to enter the canal or in stress of weather to postpone their departure for sea. "Hence the purely military port," declares this authority, "must be looked for elsewhere, and to avoid bottling up it should be exterior to the canal."

The second point of command of the Caribbean Sea has been generally fixed at the Chiriqui Lagoon, a stretch of protected water extending for 32 miles and varying in width from 5 to 12 miles, with an entrance 3 miles wide, having and carrying 10 fathoms of water to all of the anchorage grounds. It is admirably situated for a coaling station, can be easily defended against naval attack, and possesses the greatest value as a base for any force intrusted with the defense of the Nicaragua Canal or the control of the Isthmus of Panama. Subsidiary to this, but still of importance, are the Corn Islands, the island of Curaçao, and the group known as Los Rogues, off the Venezuelan coast. Farther east and north are St. Thomas and some of the islands off Puerto Rico, though not San Juan itself, because that harbor is difficult to enter and lacks some essentials of a proper naval depot.

Here, then, are the bases, mainly the Cuban ports and the Chiriqui Lagoon, which, held by adequate naval forces, will enable us to control the fate of the canal with less effort and expenditure and with more certainty than that furnished by all the fortifications erected about the terminal ports.

NEED OF ADEQUATE NAVY.

It is here that France and England each has bases in these seas, but they can not be measured against those we ought to control. St. Lucia, in the Windward Islands, will always be a coaling point of first importance, and its defenses have been strengthened greatly. Port Royal, in Jamaica, is finely situated to guard the eastern edge of the Caribbean, and to become a base of operations against the Central American coast. Fort du France, Martinique, was employed as an advanced naval base by the French in their operations against Mexico thirty-odd years ago, and the island to-day has docking and repairing facilities which surpass those of any other nation in the West Indies, or even such as we own along the Gulf coast. But even with these advantages the nearness of our home shores to the canal, the posses-

sion, or the probability for possession, of the controlling naval bases of operation and the wholesome respect engendered by our Navy in the late war will count much in our favor.

Of course we must own an adequate navy—one strong in battle ships and armored cruisers—always keeping in mind that the questions about the canal will be almost exclusively maritime, and therefore confined almost entirely to the great naval powers. To perform the duty of protecting and keeping the canal open to the commerce of the world naval predominance in these waters is essential, “for, after all, no matter what treaties exist or are made, the control of the canal will rest with the nation having control of the Caribbean Sea.” Ships, not forts, mobility of movement, not immobility, must therefore dominate the situation.

A NAVAL OFFICER.

WASHINGTON, *February 27, 1900.*

DEAR SENATOR MORGAN: Many thanks for your kindness in sending me the advance copy of the report of your subcommittee on the Hay-Pauncefote treaty, which I return herewith. I do not care to criticise the report, but inclose a report of an interview which gives my views on the subject.

With great respect, very truly, yours,

GEORGE DEWEY.

ADMIRAL DEWEY SAYS, “NO FORTIFICATIONS.”

DECLARES NICARAGUAN CANAL SHOULD BE A NEUTRALIZED COMMERCIAL PATHWAY BETWEEN THE TWO GREAT OCEANS.

HERALD BUREAU,
CORNER FIFTEENTH AND G STREETS NW.,
Washington, D. C., Tuesday.

Regarding the contention that the United States should not build the Nicaragua Canal without erecting expensive fortifications, Admiral Dewey to-day said:

“Fortifications? Why, of course not. As I understand it, the canal is to be, and should be, a neutralized commercial pathway between the two great oceans. To fortify it would simply result in making it a battle ground in case of war. Fortifications would be enormously expensive and ought not to be erected. Our fleets will be a sufficient guarantee of the neutrality and safety of the canal in time of war as well as in peace.”

Portion of treaty between her Majesty the Queen of Great Britain and the Republic of Nicaragua. Signed at Managua February 11, 1860.

XX. The Republic of Nicaragua hereby grants to Great Britain and to British subjects and property the right of transit between the Atlantic and Pacific oceans, through the territories of that Republic, on any route of communication, natural or artificial, whether by land

or water, which may now or hereafter exist or be constructed under the authority of Nicaragua, to be used and enjoyed in the same manner and upon equal terms by both parties and their respective subjects and citizens, the Republic of Nicaragua, however, reserving its full and complete right of sovereignty over the same; and, generally, the Republic of Nicaragua engages to grant to Great Britain and to British subjects the same rights and privileges, in all respects, in regard to the transit and the rates of transit, and also as regards all other rights, privileges, or advantages whatsoever, whether relating to the passage and employment of troops, or otherwise, which are now or may hereafter be granted to, or allowed to be enjoyed by, the most-favored nation.

XXI. Her Majesty the Queen of the United Kingdom of Great Britain and Ireland hereby agrees to extend her protection to all such routes of communication as aforesaid, and to guarantee the neutrality and innocent use of the same. Her Britannic Majesty also agrees to employ her influence with other nations to induce them to guarantee such neutrality and protection.

And the Republic of Nicaragua, on its part, undertakes to establish two free ports, one at each of the extremities of the communication aforesaid, on the Atlantic and Pacific oceans. At these ports no tonnage or other duties shall be imposed or levied by the Government of Nicaragua on the vessels of Great Britain, or on any effects or merchandise belonging to subjects of Great Britain, or of any other country, intended bona fide for transit across the said route of communication and not for consumption within the Republic of Nicaragua.

Her Britannic Majesty shall also be at liberty, on giving notice to the Government or authorities of Nicaragua, to carry troops, provided they are destined for a British possession, or places beyond sea, and are not intended to be employed against Central American nations friendly to Nicaragua, and munitions of war, and also to convey criminals, prisoners, and convicts, with their escorts, in her own vessels or otherwise, to either of the said ports, and shall be entitled to their conveyance between them without obstruction by the authorities of Nicaragua and without any charges or tolls whatever for their transportation on any of the said routes of communication. And no higher or other charges or tolls shall be imposed on the conveyance or transit of the persons and property of subjects of Great Britain, or of the subjects and citizens of any other country, across the said routes of communication, than are or may be imposed on the persons or property of citizens of Nicaragua.

—And the Republic of Nicaragua concedes the right of the postmaster-general of Great Britain to enter into contracts with any individuals or companies to transport the mails of Great Britain along the said routes of communication, or along any other routes across the Isthmus in closed bags, the contents of which may not be intended for distribution within the said Republic, free from the imposition of all taxes or duties by the Government of Nicaragua; but this liberty is not to be construed so as to permit such individuals or companies, by virtue of this right to transport the mails, to carry also passengers or freight, except any messenger deputed by the British post-office in charge of mails.

XXII. The Republic of Nicaragua agrees that, should it become necessary at any time to employ military forces for the security and

protection of persons and property passing over any of the routes aforesaid, it will employ the requisite force for that purpose; but upon failure to do this for any cause whatever, Her Britannic Majesty may, with the consent or at the request of the Government of Nicaragua, or of the minister thereof at London or Paris, or of the competent legally appointed local authorities, civil or military, employ such force for this and for no other purpose; and when, in the opinion of the Nicaraguan Government, the necessity ceases, such force shall be immediately withdrawn.

In the exceptional case, however, of unforeseen or imminent danger to the lives or properties of British subjects, Her Majesty's forces are authorized to act for their protection without such previous consent having been obtained.

XXIII. It is understood, however, that her Britannic Majesty, in according protection to such routes of communication and guaranteeing their neutrality and security, always intends that the protection and guarantee are granted conditionally, and may be withdrawn if Her Britannic Majesty should deem that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereupon as are contrary to the spirit and intention of this treaty, either by making unfair discriminations in favor of the commerce of any other nation or nations, or by imposing oppressive exactions or unreasonable tolls upon mails, passengers, vessels, goods, wares, merchandise, or other articles. The aforesaid protection and guarantee shall not, however, be withdrawn by Her Britannic Majesty without first giving six months' notice to the Republic of Nicaragua.

XXIV. And it is further understood and agreed that, in any grant or contract which may hereafter be made or entered into by the Government of Nicaragua, having reference to the interoceanic routes above referred to, or any of them, the rights and privileges granted by this convention to Her Britannic Majesty and to British subjects shall be fully protected and reserved; and if any such grant or contract now exist of a valid character, it is further understood that the guarantee and protection of Her Britannic Majesty stipulated in Article XXI of this treaty shall be held inoperative and void, until the holders of such grant or contract shall recognize the concessions made in this treaty to Her Britannic Majesty and to British subjects with respect to such interoceanic routes, or any of them, and shall agree to observe, and be governed by, those concessions as fully as if they had been embraced in their original grant or contract; after which recognition and agreement, the said guarantee and protection shall be in full force: *Provided*, That nothing herein contained shall be construed either to affirm or deny the validity of any of the said contracts.

XXV. After ten years from the completion of a canal, railroad, or any other route of communication through the territory of Nicaragua, from the Atlantic to the Pacific Ocean, no company which may have constructed or be in possession of the same shall ever divide, directly or indirectly, by the issue of new stock, the payment of dividends, or otherwise, more than fifteen per cent per annum, or at that rate, to its stockholders, from tolls collected thereupon; but whenever the tolls shall be found to yield a larger profit than this they shall be reduced to the standard of fifteen per cent per annum.

XXVI. It is understood that nothing contained in this treaty shall be construed to affect the claim of the Government and citizens of the

Republic of Costa Rica to a free passage, by the San Juan River, for their persons and property to and from the ocean.

XXVII. The present treaty shall remain in force for the term of twenty years from the day of the exchange of ratifications; and if neither party shall notify to the other its intention of terminating the same twelve months before the expiration of the twenty years stipulated above, the said treaty shall continue binding on both parties, beyond the said twenty years, until twelve months from the time that one of the parties may notify to the other its intention of terminating it.

Treaty of friendship, commerce, and navigation, between the United States of America and the Republic of Nicaragua, signed at Managua, June 21, 1867.

The United States of America and the Republic of Nicaragua desiring to maintain and to improve the good understanding and the friendly relations which now happily exist between them, to promote the commerce of their citizens, and to make some mutual arrangement with respect to a communication between the Atlantic and Pacific oceans, by the river San Juan, and either or both the lakes of Nicaragua and Managua, or by any other route through the territories of Nicaragua, have agreed for this purpose to conclude a treaty of friendship, commerce, and navigation, and have accordingly named as their respective plenipotentiaries, that is to say: the President of the United States, Andrew B. Dickinson, minister resident and extraordinary to Nicaragua, and his excellency the President of the Republic of Nicaragua, Señor Licenciado Don Tomas Ayon, minister of foreign relations, who, after communicating to each other their full powers, found in due and proper form, have agreed upon the following articles:

ARTICLE I.

There shall be perpetual amity between the United States and their citizens on the one part, and the government of the Republic of Nicaragua and its citizens of the other.

ARTICLE II.

There shall be between all the territories of the United States and the territories of the Republic of Nicaragua a reciprocal freedom of commerce. The subjects and citizens of the two countries, respectively, shall have full liberty freely and securely to come with their ships and cargoes to all places, ports, and rivers in the territories aforesaid to which other foreigners are or may be permitted to come, to enter into the same, and to remain and reside in any part thereof, respectively; also to hire and occupy houses and warehouses for the purposes of their commerce; and generally the merchants and traders of each nation, respectively, shall enjoy the most complete protection and security for their commerce, subject always to the laws and statutes of the two countries, respectively. In like manner the respective ships of war and post-office packets of the two countries shall have liberty freely and securely to come to all harbors, rivers, and places to which other foreign ships of war and packets are or may be permitted to come, to enter the

same, to anchor, and to remain there and refit, subject always to the laws and statutes of the two countries, respectively.

By the right of entering places, ports, and rivers, mentioned in this article, the privilege of carrying on the coasting trade is not understood; in which trade national vessels only of the country where the trade is carried on are permitted to engage.

ARTICLE III.

It being the intention of the two high contracting parties to bind themselves by the two preceding articles to treat each other on the footing of the most favored nations, it is hereby agreed between them that any favor, privilege, or immunity whatever, in matters of commerce and navigation, which either contracting party has actually granted, or may grant hereafter, to the subjects or citizens of any other State, shall be extended to the subjects or citizens of the other contracting party gratuitously, if the concession in favor of that other nation shall have been gratuitous, or in return for a compensation, as nearly as possible of a proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

ARTICLE IV.

No higher or other duties shall be imposed on the importation into the territories of the United States of any article being the growth, produce, or manufacture of the republic of Nicaragua, and no higher or other duties shall be imposed on the importation into the territories of the republic of Nicaragua of any article being the growth, produce, or manufacture of the United States, than are or shall be payable upon the like articles being the growth, produce, or manufacture of any other foreign country; nor shall any other or higher duties or charges be imposed in the territories of either of the high contracting parties on the exportation of any articles to the territories of the other than such as are or may be payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed upon the importation or exportation of any articles the growth, produce, or manufacture of the territories of the United States or the republic of Nicaragua to or from the said territories of the United States, or to or from the republic of Nicaragua, which shall not equally extend to all other nations.

ARTICLE V.

No higher or other duties or payments on account of tonnage, of light or harbor dues, or pilotage, of salvage in case of either damage or shipwreck, or on account of any local charges, shall be imposed in any of the ports of Nicaragua on vessels of the United States than those payable by Nicaraguan vessels, nor in any of the ports of the United States on Nicaraguan vessels than shall be payable in the same ports on vessels of the United States.

ARTICLE VI.

The same duties shall be paid on the importation into the territories of the republic of Nicaragua of any article being the growth, produce, or manufacture of the territories of the United States, whether such importation shall be made in Nicaraguan vessels or in the vessels of the United States; and the same duties shall be paid on the importa-

tion into the territories of the United States of any article being the growth, produce, or manufacture of the republic of Nicaragua, whether such importation shall be made in Nicaraguan or United States vessels. The same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation to the republic of Nicaragua of any article being the growth, produce, or manufacture of the territories of the United States, whether such exportation shall be made in Nicaraguan or United States vessels; and the same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation of any articles being the growth, produce, or manufacture of the republic of Nicaragua to the territories of the United States, whether such exportations shall be made in the vessels of the United States or of Nicaragua.

ARTICLE VII.

All merchants, commanders of ships, and others, citizens of the United States, shall have full liberty in all the territories of the republic of Nicaragua to manage their own affairs themselves, as permitted by the laws, or to commit them to the management of whomsoever they please, as broker, factor, agent, or interpreter; nor shall they be obliged to employ any other persons in those capacities than those employed by Nicaraguans, nor pay them any other salary or remuneration than such as is paid in like cases by Nicaraguan citizens; and absolute freedom shall be allowed in all cases to the buyer and seller to bargain and fix the price of any goods, wares, or merchandise imported into or exported from the republic of Nicaragua as they shall see good, observing the laws and established custom of the country.

The same privileges shall be enjoyed in the territories of the United States by the citizens of the republic of Nicaragua under the same conditions.

The citizens of the high contracting parties shall reciprocally receive and enjoy full and perfect protection for their persons and property, and shall have free and open access to the courts of justice in said country, respectively, for the prosecution and defense of their just rights; and they shall be at liberty to employ, in all cases, advocates, attorneys, or agents, of whatsoever description, whom they may think proper; and they shall enjoy, in this respect, the same rights and privileges therein as native citizens.

ARTICLE VIII.

In whatever relates to the police of the ports, the lading and unlading of ships, the safety of merchandise, goods, and effects, the succession to personal estates, by will or otherwise, and the disposal of personal property of every sort and denomination, by sale, donation, exchange, testament, or any other manner whatsoever, as also the administration of justice, the citizens of the two high contracting parties shall reciprocally enjoy the same privileges, liberties, and rights as native citizens; and they shall not be charged in any of these respects with any higher imposts or duties than those which are or may be paid by native citizens, submitting, of course, to the local laws and regulations of each country, respectively.

The foregoing provisions shall be applicable to real estate situated within the States of the American Union, or within the republic of Nicaragua, in which foreigners shall be entitled to hold or inherit real estate. But in case real estate situated within the territories of one of the contracting parties should fall to a citizen of the other party,

who, on account of his being an alien, could not be permitted to hold such property in the State in which it may be situated, there shall be accorded to the said heir, or other successor, such time as the laws of the State will permit to sell such property. He shall be at liberty, at all times, to withdraw and export the proceeds thereof without difficulty, and without paying to the government any other charges than those which would be paid by an inhabitant of the country in which the real estate may be situated.

If any citizen of the two high contracting parties shall die without a will or testament in any of the territories of the other, the minister or consul, or other diplomatic agent, of the nation to which the deceased belonged (or the representative of such minister or consul, or other diplomatic agent, in case of absence), shall have the right to nominate curators to take charge of the property of the deceased, so far as the laws of the country will permit, for the benefit of the lawful heirs and creditors of the deceased, giving proper notice of such nomination to the authorities of the country.

ARTICLE IX.

1. The citizens of the United States residing in Nicaragua, or the citizens of Nicaragua residing in the United States, may intermarry with the natives of the country; hold and possess, by purchase, marriage, or descent, any estate, real or personal, without thereby changing their national character, subject to the laws which now exist or may be enacted in this respect.

2. The citizens of the United States residents in the Republic of Nicaragua, and the citizens of Nicaragua residents in the United States, shall be exempted from all forced or compulsory military service whatsoever, by land or sea; from all contributions of war, military exactions, forced loans in time of war; but they shall be obliged, in the same manner as the citizens of each nation, to pay lawful taxes, municipal and other modes of imposts, and ordinary charges, loans, and contributions in time of peace (as the citizens of the country are liable), in just proportion to the property owned.

3. Nor shall the property of either, of any kind, be taken for any public object without full and just compensation to be paid in advance; and

4. The citizens of the two high contracting parties shall have the unlimited right to go to any part of the territories of the other, and in all cases enjoy the same security as the natives of the country where they reside, with the condition that they duly observe the laws and ordinances.

ARTICLE X.

It shall be free for each of the two high contracting parties to appoint consuls for the protection of trade, to reside in any of the territories of the other party. But before any consul shall act as such he shall, in the usual form, be approved and admitted by the government to which he is sent; and either of the high contracting parties may except from the residence of consuls such particular places as they judge fit to be excepted.

The diplomatic agents of Nicaragua and consuls shall enjoy in the territories of the United States whatever privileges, exemptions, and immunities are or shall be allowed to the agents of the same rank belonging to the most favored nations; and in the like manner the dip-

lomatic agents and consuls of the United States in Nicaragua shall enjoy, according to the strictest reciprocity, whatever privileges, exemptions, and immunities are or may be granted in the Republic of Nicaragua to the diplomatic agents and consuls of the most favored nations.

ARTICLE XI.

For the better security of commerce between the citizens of the United States and the citizens of Nicaragua, it is agreed, that if at any time any interruption of friendly intercourse, or any rupture, should unfortunately take place between the two high contracting parties, the citizens of either, who may be within the territories of the other, shall, if residing on the coast, be allowed six months, and if in the interior, a whole year, to wind up their accounts, and dispose of their property; and a safe-conduct shall be given to them to embark at any port they themselves may select. Even in case of rupture, all such citizens of either of the high contracting parties, who are established in any of the territories of the other in trade or other employment, shall have the privilege of remaining and of continuing such trade or employment, without any manner of interruption, in the full enjoyment of liberty and property, so long as they behave peacefully, and commit no offence against the laws; and their goods and effects, of whatever description they may be, whether in their own custody, or intrusted to individuals or to the State, shall not be liable to seizure or sequestration, nor to any other charges or demands than those which may be made upon the like effects or property belonging to the native citizens of the country in which such citizens may reside. In the same case, debts between individuals, property in public funds, and shares of companies, shall never be confiscated, nor detained, nor sequestered.

ARTICLE XII.

The citizens of the United States and the citizens of the Republic of Nicaragua, respectively, residing in any of the territories of the other party, shall enjoy in their houses, persons, and property, the protection of the Government, and shall continue in possession of the guarantees which they now enjoy. They shall not be disturbed, molested, or annoyed in any manner on account of their religious belief, nor in the proper exercise of their religion, agreeably to the system of tolerance established in the territories of the high contracting parties, provided they respect the religion of the nation in which they reside, as well as the constitution, laws, and customs of the country.

Liberty shall also be granted to bury the citizens of either of the two high contracting parties, who may die in the territories aforesaid, in burial places of their own, which in the same manner may be freely established and maintained; nor shall the funerals or sepulchres of the dead be disturbed in any way or upon any account.

ARTICLE XIII.

Whenever a citizen of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions of the other with their vessels, whether merchant or war, public or private, through stress of weather, pursuit of pirates or enemies, or want of provisions or water, they shall be received and treated with humanity, and given all favor and protection for repairing their vessels, procuring provisions, and placing themselves in all respects in a condition to continue their voyage without obstacle of any kind.

ARTICLE XIV.

The Republic of Nicaragua hereby grants to the United States, and to their citizens and property, the right of transit between the Atlantic and Pacific oceans through the territory of that Republic, on any route of communication, natural or artificial, whether by land or by water, which may now or hereafter exist or be constructed under the authority of Nicaragua, to be used and enjoyed in the same manner and upon equal terms by both Republics and their respective citizens, the Republic of Nicaragua, however, reserving its rights of sovereignty over the same.

ARTICLE XV.

The United States hereby agree to extend their protection to all such routes of communication as aforesaid, and to guarantee the neutrality and innocent use of the same. They also agree to employ their influence with other nations to induce them to guarantee such neutrality and protection.

And the Republic of Nicaragua, on its part, undertakes to establish one free port at each extremity of one of the aforesaid routes of communication between the Atlantic and Pacific oceans. At these ports no tonnage or other duties shall be imposed or levied by the Government of Nicaragua on the vessels of the United States, or on any effects or merchandise belonging to citizens or subjects of the United States, or upon the vessels or effects of any other country intended, bona fide, for transit across the said routes of communication, and not for consumption within the Republic of Nicaragua. The United States shall also be at liberty, on giving notice to the Government or authorities of Nicaragua, to carry troops and munitions of war in their own vessels, or otherwise, to either of said free ports, and shall be entitled to their conveyance between them without obstruction by said Government or authorities, and without any charges or tolls whatever for their transportation on either of said routes: *Provided*, Said troops and munitions of war are not intended to be employed against Central American nations friendly to Nicaragua. And no higher or other charges or tolls shall be imposed on the conveyance or transit of persons and property of citizens or subjects of the United States, or of any other country, across the said routes of communication, than are or may be imposed on the persons and property of citizens of Nicaragua.

And the Republic of Nicaragua concedes the right of the Postmaster-General of the United States to enter into contracts with any individuals or companies to transport the mails of the United States along the said routes of communication, or along any other routes across the isthmus, in its discretion, in closed bags, the contents of which may not be intended for distribution within the said Republic, free from the imposition of all taxes or duties by the Government of Nicaragua; but this liberty is not to be construed so as to permit such individuals or companies, by virtue of this right to transport the mails, to carry also passengers or freight.

ARTICLE XVI.

The Republic of Nicaragua agrees that, should it become necessary at any time to employ military forces for the security and protection of persons and property passing over any of the routes aforesaid, it will employ the requisite force for that purpose; but upon failure to do this

from any cause whatever, the Government of the United States may, with the consent or at the request of the Government of Nicaragua, or of the minister thereof at Washington, or of the competent legally appointed local authorities, civil or military, employ such force for this and for no other purpose; and when, in the opinion of the Government of Nicaragua, the necessity ceases, such force shall be immediately withdrawn.

In the exceptional case, however, of unforeseen or imminent danger to the lives or property of citizens of the United States, the forces of said Republic are authorized to act for their protection without such consent having been previously obtained.

But no duty or power imposed upon or conceded to the United States by the provisions of this article shall be performed or exercised except by authority and in pursuance of laws of Congress hereafter enacted. It being understood that such laws shall not affect the protection and guarantee of the neutrality of the routes of transit, nor the obligation to withdraw the troops which may be disembarked in Nicaragua directly that, in the judgment of the Government of the Republic, they should no longer be necessary, nor in any manner bring about new obligations on Nicaragua, nor alter her rights in virtue of the present treaty.

ARTICLE XVII.

It is understood, however, that the United States, in according protection to such routes of communication, and guaranteeing their neutrality and security, always intend that the protection and guarantee are granted conditionally, and may be withdrawn if the United States should deem that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereupon as are contrary to the spirit and intention of this treaty, either by making unfair discriminations in favor of the commerce of any country or countries over the commerce of any other country or countries, or by imposing oppressive exactions or unreasonable tolls upon mails, passengers, vessels, goods, wares, merchandise, or other articles. The aforesaid protection and guarantee shall not, however, be withdrawn by the United States without first giving six months' notice to the Republic of Nicaragua.

ARTICLE XVIII.

And it is further agreed and understood that in any grants or contracts which may hereafter be made or entered into by the Government of Nicaragua, having reference to the interoceanic routes above referred to, or either of them, the rights and privileges granted by this treaty to the Government and citizens of the United States shall be fully protected and reserved. And if any such grants or contracts now exist, of a valid character, it is further understood that the guarantee and protection of the United States, stipulated in Article XV of this treaty, shall be held inoperative and void until the holders of such grants and contracts shall recognize the concessions made in this treaty to the Government and citizens of the United States with respect to such interoceanic routes, or either of them, and shall agree to observe and be governed by these concessions as fully as if they had been embraced in their original grants or contracts; after which recognition and agreement said guarantee and protection shall be in full force; provided, that nothing herein contained shall be construed either to affirm or to deny the validity of the said contracts.

ARTICLE XIX.

After ten years from the completion of a railroad, or any other route of communication through the territory of Nicaragua from the Atlantic to the Pacific Ocean, no company which may have constructed or be in possession of the same shall ever divide, directly or indirectly, by the issue of new stock, the payment of dividends or otherwise, more than fifteen per cent per annum, or at that rate, to its stockholders from tolls collected thereupon; but whenever the tolls shall be found to yield a larger profit than this, they shall be reduced to the standard of fifteen per cent per annum.

ARTICLE XX.

The two high contracting parties, desiring to make this treaty as durable as possible, agree that this treaty shall remain in full force for the term of fifteen years from the day of the exchange of the ratifications; and either party shall have the right to notify the other of its intention to terminate, alter, or reform this treaty, at least twelve months before the expiration of the fifteen years. If no such notice be given, then this treaty shall continue binding beyond the said time, and until twelve months shall have elapsed from the day on which one of the parties shall notify the other of its intention to alter, reform, or abrogate this treaty.

ARTICLE XXI.

The present treaty shall be ratified, and the ratifications exchanged at the city of Managua, within one year, or sooner if possible.

HAY-PAUNCEFOTE TREATY.

Mr. MORGAN presented the following

VIEWS OF THE MINORITY.

The undersigned concurs in the statement, by the committee, of the history of the negotiation and conclusion of the Clayton-Bulwer treaty, and of the facts and the declarations of the Government of the United States that recognize the present binding force of that treaty.

Whether that treaty should ever have been made, or whether the action of Great Britain, under and in connection with it, has been in conformity with its provisions, are matters that relate to the right of the United States to declare that it has, in fact, been abrogated, or that it has lapsed.

The extreme contention of the Government of the United States has been that the Clayton-Bulwer treaty is voidable at our option. Not having exercised that option the treaty is confessedly conclusive as to the parts of the agreement that have been executed, and is operative as to the parts that remain in fieri.

Those features of the treaty that apply to the construction and control of a canal through Nicaragua and Costa Rica, if they were ever in force are still in force, according to the attitude of the United States as it is established in many authentic statements.

The latest authentic act was the rejection of the Frelinghuysen-Zavala treaty by the Senate and its withdrawal by the President from the further consideration of the Senate in the early days of Mr. Cleveland's Administration.

In his first annual message he said, "whatever highway may be constructed across the barrier dividing the two greatest maritime areas of the world must be for the world's benefit, a trust for mankind, to be removed from the chance of domination by any single power, nor become a point of invitation for hostilities or a prize for warlike ambition."

A body of our citizens, proceeding with the consent and assistance of our Government, obtained concessions from Nicaragua and Costa Rica, for which they paid a large sum of money. Congress granted them a charter based upon those concessions, and they proceeded to expend more than \$4,500,000 in the construction of their canal. Congress, after several years of examination and discussion, acted upon several bills granting aid to this canal, two of which, in succession, passed the Senate.

In the discussion of these bills, the question of conflict between them and the Clayton-Bulwer treaty was raised by the opponents of these

measures, and were debated freely in the Senate. Great Britain has never made or intimated any such objection to the action of Congress, or of the Senate, in passing these bills. But the objections have continued to be raised by the opponents of the canal.

The treaty under consideration is for the avowed purpose of removing "any objection that may arise out of the convention of April 19, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the United States, without impairing the 'general principle' of neutralization established in Article VIII of that convention."

That "general principle," as it is modified, or specially defined in this treaty, is all that is left of the Clayton-Bulwer treaty, as now being in continuing force.

As to all other features, it has been fully executed, or else it is superseded by the present convention, and thereby all objections that may arise out of the Clayton-Bulwer treaty to the exclusive right of the United States to construct, own, regulate, and manage the canal are removed in Article I, which is as follows:

ARTICLE I.

It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost, or by gift or loan of money to individuals or corporations or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present convention, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

In this arrangement Great Britain *confers no right on the United States as to anything in Nicaragua or Costa Rica*. That Government waives any objection that "*may arise*" out of the Clayton-Bulwer treaty to our acquiring the rights mentioned in Article I from Nicaragua and Costa Rica.

Then this convention, in Article II, proceeds to define and formulate into an agreement, intended to be world-wide in its operation, "the general principle of neutralization" established in Article VIII of the Clayton-Bulwer treaty, on the basis of the treaty of Constantinople, of October, 1888, relating to the Suez Canal.

Nothing is given to the United States in Article II of the convention now under consideration, nor is anything denied to us that is not given or denied to all other nations.

But the committee insist that under Articles IX and X of the treaty of Constantinople, a provision is made in favor of Turkey that is not secured to the United States in the present convention.

Those articles are as follows:

ARTICLE IX.

The Egyptian Government shall, within the limits of its powers resulting from the firmans, and under the conditions provided for in the present treaty, take necessary measures for insuring the execution of the said treaty.

In case the Egyptian Government should not have sufficient means at its disposal, it shall call upon the Imperial Ottoman Government, which shall take the necessary measures to respond to such appeal; shall give notice thereof to the signatory powers of the declaration of London of the 17th March, 1885; and shall, if necessary, concert with them on the subject.

The provisions of Articles IV, V, VII, and VIII shall not interfere with the measures which shall be taken in virtue of the present article.

ARTICLE X.

Similarly, the provisions of Articles IV, V, VII, and VIII shall not interfere with the measures which His Majesty the Sultan and His Highness the Khedive, in the name of His Imperial Majesty, and within the limits of the firmans granted, might find it necessary to take for securing by their own forces the defense of Egypt and the maintenance of public order.

In case His Imperial Majesty the Sultan, or His Highness the Khedive, should find it necessary to avail themselves of the exceptions for which this article provides, the signatory powers of the declaration of London shall be notified thereof by the Imperial Ottoman Government.

It is likewise understood that the provisions of the four articles aforesaid shall in no case occasion any obstacles to the measures which the Imperial Ottoman Government may think it necessary to take in order to insure by its own forces the defense of its other possessions, situated on the eastern coast of the Red Sea.

The amendment proposed by the committee to the present convention relates only to the last paragraph, in italics.

If we had a possession that corresponded in its geography with the Red Sea on the western coast of Arabia, the force of the proposed amendment would be more apparent. But we have no such possession in or near Nicaragua, and have no need to reserve a special right to defend it or any other possession.

Turkey made no reservation of a right to defend Constantinople when she reserved the right to defend her coast on the Red Sea, which is an approach to the canal.

The undersigned does not admit the proposition that when we agree that the Nicaragua Canal shall not be fortified as "a point of invitation for hostilities, or a prize for warlike ambition," we must also provide for the right to defend our own country on the coast of California by express provisions in a treaty with Great Britain removing *objections that may arise* from the Clayton-Bulwer treaty.

Such a reservation is entirely superfluous and unnecessary, while it carries with it an acknowledgment in favor of Great Britain of a right of control over our national sovereignty that she does not claim and that could not be inferred from the mere silence of the treaty as to such possible right.

The only legal effect of the amendment, if it can have any effect upon our national rights or powers, is to annul the neutralization of the canal provided for in Article II of the treaty under consideration.

If this is its purpose, it would be more satisfactory to strike out that article and declare the abrogation of the unexecuted parts of the Clayton-Bulwer treaty.

JOHN T. MORGAN.

FIFTY-SIXTH CONGRESS, SECOND SESSION.

December 11, 1900.

Mr. Lodge made the following report:

The Committee on Foreign Relations, to whom was referred the convention between the United States and the Republic of Bolivia for the extradition of criminals fugitives from justice, signed April 21, 1900, having had the same under consideration, beg leave to report it to the Senate with a recommendation that it be advised and consented to with the following amendment:

Article II, section 6, after the word "employers," insert the words *where in either class of cases the embezzlement exceeds the sum of two hundred dollars.*

December 11, 1900.

Mr. Foraker made the following report:

The Committee on Foreign Relations, to whom was referred the treaty between the United States and Chile, signed at Santiago, April 17, 1900, for the extradition of criminals fugitives from justice, having had the same under consideration, beg leave to report it to the Senate with the recommendation that it be advised and consented to with the following amendment:

Article II, section 6, after the word "employers," insert the words *where in either class of cases the embezzlement exceeds the sum of two hundred dollars.*

December 19, 1900.

[Senate Report No. 1755.]

Mr. Money, from the Committee on Foreign Relations, submitted the following report:

The Committee on Foreign Relations, which has had under consideration Senate bill 3794, beg leave to report it back to the Senate with a recommendation that it do pass.

By Article V of the treaty between the United States and Mexico concluded February 2, 1848, known as the treaty of Guadalupe Hidalgo, the boundary line between the two Republics from the southern boundary of New Mexico to the Gulf is the middle of the Rio Grande River, or, as it is called by the Mexicans, the Rio Bravo del Norte. This line was so modified by the Gadsden treaty of 1853 that the middle of the river was made the boundary from the Gulf to the point where the parallel of $30^{\circ} 47'$ north latitude crosses the river.

By the seventh article of the treaty of Guadalupe Hidalgo it is in effect stipulated that the navigation of the Bravo below the southern boundary of New Mexico shall be free and common to the vessels and citizens of both countries, and neither shall, without the consent of the other, construct any work that may impede or interrupt in whole or in part the exercise of this right, not even for the purpose of favoring new methods of navigation.

By the fourth article of the Gadsden treaty of 1853 it is in effect provided that the several provisions, stipulations, and restrictions contained in the seventh article of the treaty of Guadalupe Hidalgo shall remain in force only so far as regards the Rio Bravo del Norte below the initial of the said boundary provided in the first article of the Gadsden treaty; that is to say, below the intersection of the $31^{\circ} 47' 30''$ parallel of latitude with the boundary line established by the treaty, dividing said river from its mouth upward, according to the fifth article of the treaty of Guadalupe. From time to time the Government of the Republic of Mexico has made reclamation of the United States to the Secretary of State, through its legation in Washington, for a large indemnity

for water alleged to have been taken and used by the citizens of the United States in Colorado and New Mexico, on the head waters of the Rio Grande River, to which citizens of Mexico claimed a right by prior appropriation, in alleged violation of the treaties above mentioned, as well as other conventions entered into between the United States and Mexico, and by the concurrent resolution of Congress of April 29, 1890, provision was made for a definite and authoritative ascertainment of the facts relating to the irrigation of the arid lands in the valley of the Rio Grande River and the construction of a dam across said river at El Paso, Tex., and other matters. In view of these claims for damages, and said resolution of Congress, an agreement between the two Governments was entered into, dated Washington, May 6, 1896, as follows:

It being essential to the conduct of the negotiations contemplated by the concurrent resolution of Congress of April 29, 1890, that there should be a definite and authoritative ascertainment of the facts relating to the irrigation of the arid lands in the valley of the Rio Grande River, to the construction of a dam across said river at El Paso, Tex., and to the other subjects-matter of said resolution;

And the Mexican Government, deeming that it is of vital interest for the Republic, and especially for the inhabitants of the right bank of the Rio Bravo (Grande), to contribute for their part to preparing the means for carrying out the negotiations recommended in the aforesaid resolution of the Congress of the United States of America;

Col. Anson Mills and Señor Don F. Javier Osorno, members of the International Boundary Commission, organized under the convention of March 1, 1889, are hereby requested and directed to investigate and report, as soon as practicable, upon the questions and matters following, to wit:

1. The amount of water of the Rio Grande taken by the irrigation canals constructed in the United States of America.
2. The average amount of water in said river, year by year, before the construction of said irrigation canals and since said construction—the present year included.
3. The best and most feasible mode, whether through a dam to be constructed across the Rio Grande near El Paso, Tex., or otherwise, of so regulating the use of the waters of said river as to secure to each country concerned and to its inhabitants their legal and equitable rights and interests in said waters.

It is understood that the said Anson Mills and the said Señor Don F. Javier Osorno will also be requested and directed to perform the duties hereinbefore described on behalf of the Governments of the United States and Mexico; that each Government shall be at liberty to aid and facilitate the work to be accomplished by the employment of such engineers, clerks, and other agents as it may see fit; that the said Col. Anson Mills and the said Señor Don F. Javier Osorno, if they agree upon results, shall make a joint report to each Government; and if they disagree, and so far as they disagree, shall make separate reports to each; and that eight months from this date.

Washington, May 6, 1896.

RICHARD OLNEY.
M. ROMERO.

The commissioners appointed in the foregoing agreement, after due investigation and consideration of the reports and maps of the engineers employed by them, proceeded to determine the three questions submitted to them in the said agreement, and on November 25, 1896, made a joint report, the material part of which is as follows, to-wit:

The commissioners, after due investigation and consideration of the reports and maps described, proceeded to determine the three questions submitted to them in the agreement between the two Governments, the first of which reads as follows:

“The amount of water of the Rio Grande taken by irrigation canals constructed in the United States of America.”

From the very elaborate statistical report of Civil Engineer Follett the commission find that prior to 1880 there were in Colorado 511 canals taken from the Rio Grande and its tributaries, irrigating about 121,000 acres of land; that this number of canals and amount of land irrigated has kept increasing year by year, many of the canals being enlarged during the same period, so that the number of canals at this date has

increased to 925, irrigating 318,000 acres of land; and that in New Mexico there were, prior to 1880, 563 canals taken from the Rio Grande and its tributaries, irrigating 183,000 acres of land, and at the present time there are 603 canals, irrigating 186,000 acres of land.

These results show an aggregate of 1,074 canals taken out in Colorado and New Mexico prior to 1880, and 1,528 taken from the river and its tributaries at this date, showing an increase of 454 canals and of 196,000 acres irrigated in the State of Colorado and Territory of New Mexico. This shows quite accurately the increase for the past sixteen years. There are no reliable records available showing the increase in the preceding years, but they were doubtless on a more rapidly increasing ratio.

It will also be observed that the greatest increase during these sixteen years was in the State of Colorado, the number of canals and acres irrigated remaining almost stationary in New Mexico for that period, but this is easily accounted for by the fact that the appropriation of water in Colorado has rendered such a scarcity in New Mexico that little further increase of canals and acreage was profitable.

It is evident to the commissioners that as the flow of water in the Rio Grande had not only become scarce at El Paso, but high up in New Mexico prior to 1888 or 1889, any increase of water used in Colorado would diminish materially the flow at El Paso during the irrigation season.

The foregoing seems to the commissioners to be as intelligent an answer as practicable to the first section of the agreement submitted to them, above referred to.

The commissioners then took up the second section of the above-mentioned agreement, which reads as follows:

"The average amount of water in said river year by year before the construction of said irrigation canals and since said construction, the present year included."

There are no records or testimony available which will enable the commissioners to determine this question entire with any degree of accuracy. The first record of the flow of the river here at El Paso was taken in 1889, the driest year up to that date, the river being dry as far above as Albuquerque, N. Mex., and no water passing El Paso for four months during the year, embracing August, September, October, and November. There is no tradition of such scarcity of water prior to this date—1889—the river only being dry once in about seven years, and then only for a short period in the latter part of the summer.

For the eleven months prior to March 31, 1890, the flow of the river at El Paso was 425,000 acre-feet. This includes the long drought of 1889, before mentioned. For the year ending March 31, 1891, the flow was 1,100,000 acre-feet. For the year 1892 the flow at El Paso was 1,850,000 acre-feet. For the year 1893 the flow was 875,000 acre-feet.

During a part of this time measurements at Embudo in the Rio Grande near the Colorado line showed that the flow at that point was greater than at El Paso, there being no increase in the flow from Embudo to El Paso. This fact is mentioned to show that the supply of water both in New Mexico and in the valley of El Paso depends, for the greater part, upon that of its head waters in Colorado.

An examination of the old canals in use in the El Paso Valley some thirty years ago convinces us that those on the Mexican side had a capacity of about 300 second-feet, and that those on the United States side had a capacity of about 250 second-feet.

Many of these for the past five years have been constantly dry, and all of them have been dry for a great part of the irrigating season three years out of the five past.

The foregoing is a condensed compendium of the large mass of information and statistics taken by our engineers, from which we form the following conclusions:

That the flow of the river at El Paso has now been decreased by the taking of water for irrigation by canals constructed in the United States of America about 1,000 second-feet for one hundred days annually, equal to 200,000 acre-feet of water.

It will be observed that this loss is distributed through the summer flow, which at best was not always sufficient before the diminution took place during dry seasons.

It should be understood that the great mass of these waters both before the construction of the canals and since consists of flood waters carried down the river unused, being utterly unavailable without large reservoirs to hold it for the season of irrigation, the maximum flow lasting but a few days, running as high as 16,000 second-feet, generally before the irrigation season fully sets in, and an average flood of about 5,000 second-feet during about forty or fifty days in April and May.

The commission then proceeded to the consideration of the third section of the agreement before referred to, which reads as follows:

"The best and most feasible mode—whether through a dam to be constructed across the Rio Grande near El Paso, Tex., or otherwise—of so regulating the use of the waters of said river as to secure to each country concerned and to its inhabitants their legal and equitable rights and interests in said waters."

The joint report of the engineers develops a feasible method of building a dam

across the Rio Grande near El Paso (about 3 miles above) and impounding a large mass of the flood waters in a lake some 15 miles long by about $3\frac{1}{2}$ miles wide, which it is believed by the commission will so regulate the use of the waters of said river as to secure to each country concerned and to its inhabitants their legal and equitable rights and interests in said waters, and neither they nor the commissioners have been able to discover any other feasible mode of consummating these ends.

The joint commission is of the opinion that the present flow of the river is sufficient to maintain the reservoir as projected, but insufficient to maintain it and at the same time maintain the projected reservoir 120 miles above El Paso, in New Mexico, known as the Elephant Buttes dam and reservoir. One of these projects, in the opinion of the commission, must give way to the other, or at least, if both are built, that at Elephant Buttes must in some way be restrained from using water already appropriated by the citizens of the El Paso Valley, both Mexicans and Americans, and a method provided in case they violate these restraining rules for a prompt and efficient legal remedy for the parties injured.

The investigations for the bed rock on which to found a masonry dam have been difficult and prolonged, but at last a suitable site has been discovered by Señor Don J. Ramon de Ibarrola, chief of the special section for Mexico, who conducted these and the topographical investigations. The depth of the rock is at such a distance from the surface—the deepest place being about 90 feet—that it will entail much greater cost in the construction than was anticipated by the preliminary examination that had been heretofore made. However, its construction is perfectly feasible and only a question of cost.

At this point both banks of the river are in United States territory, but a very short distance from the boundary line between New Mexico and Mexico; and it is proposed if the dam be constructed that a cession of some 98 acres be made by the United States to Mexico, the metes and bounds of which are fully described in the engineer's report, so that Mexico may own one end and half of the dam and have access to the lake, for the very obvious purpose of conducting its share of the waters impounded through its own territory to its own lands to be irrigated. This land is practically worthless to the United States, being steep mountain sides of almost solid rock; but this cession should be made in such a manner as to effectually guard the rights of the Southern Pacific Railway Company as an American corporation.

It is no part of the purpose of this project to construct canals from the dam on either side; the water to be delivered to the local authorities of each nation through outlets in the dam proper.

It is the opinion of the joint commission that Mexico has been wrongfully deprived for many years of a portion of her equitable rights in the flow of one-half of the waters of the Rio Grande at the time of the treaty of Guadalupe Hidalgo; and if there were no other evidence of that fact than the records and measurements above referred to, it is apparent to the eye of any visitor to the locality, where can be witnessed the dying fruit trees and vines, the abandoned fields and dry canals for the greatest portion that has heretofore been cultivated; and while we are considering the equitable rights of Mexico, this is also true of the United States side, where almost the same abandonment and destruction of former prosperous farms may be witnessed.

The joint commission is of the opinion that the impounding of this large body of the flood waters of the Rio Grande would not only effectually remedy the existing troubles regarding the equitable division of the waters of said river between the two countries, but would make it feasible to control the flow in the river so that it will be practically constant and uniform and prevent the erosions and avulsions which have heretofore rendered the boundary line between the two countries so uncertain, unstable, and vexatious. It is certain that this effect will result as far down the river as the mouth of the next important tributary, the Concho River, of Mexico, and that the restraint of the torrential flow will, in a great degree, remedy the erosions and avulsions below the mouth of the Concho to the Gulf.

Of the 27,000 acres to be submerged by the waters of the reservoir, about 10,000 are in the Territory of New Mexico and consist of two unconfirmed grants, known as the Francisco Garcia and Refugio Colony grants. It is probable that the title to most of this land still rests in the Government of the United States, about 1,000 acres at the upper end of the Refugio Colony grant being occupied by settlers, and that there will be no difficulty in proceeding at once to submerge the remainder.

The remaining 17,000 acres are in the State of Texas, and it is probable that in many cases there will be efforts to procure, by injunction and otherwise, large and exorbitant sums of money for these lands, unless there can be devised a process of condemnation that will insure justice to the United States. Probably the State of Texas would be willing to cede jurisdiction of these lands to the United States and

thus enable the same courts to have jurisdiction over the entire body of land to be submerged.

This may be important from the fact that the changing of the channel of the Rio Grande in these lands has brought about questions of boundary between Texas and New Mexico, which may embarrass the adjustment of titles when different courts have jurisdiction.

The commissioners made earnest efforts to procure from some of the large holders of the lands to be submerged, an offer of their lands at a reasonable valuation, hoping thereby to encourage a willingness on the part of all to permit the acquisition of title at a reasonable valuation. The only result so far has been the inclosed letter from Messrs. Magoffin, Zimpleman, and Crosby, and a separate letter from Mr. Magoffin offering some 7,000 acres, consisting of the best land to be submerged, in which the price asked, \$8 per acre, the commissioners consider to be about twice the market value. The commissioners would recommend that no further efforts be made to procure the lands to be submerged by purchase, but that the usual course of condemnation be resorted to in case the lands are required.

There are no considerable vested water rights on the river below the El Paso Valley and above the Concho, where the flow below is always constant and abundant.

The estimate of the cost of this entire project is as follows:

For the construction of the dam proper, waste ways, outlets, etc. (see the estimates of the joint engineers, appended hereto).....	\$1, 117, 000. 00
For the removal of the tracks of the Atchison, Topeka and Santa Fe Railway Company (see copy letter of President E. P. Ripley, inclosed, marked X)	522, 728. 36
For the removal of the tracks of the Southern Pacific Railway Company (see copy letter of General Manager J. Kruttschnitt, inclosed, marked Y)	447, 385. 00
For the condemnation of the lands to be submerged, and improvements thereon	190, 000. 00
For salaries, office expenses, etc.	40, 000. 00
Total	2, 317, 113. 36

Notwithstanding the magnitude of this sum, taking into consideration the impossibility of ever arriving with any degree of accuracy to the damage that has been done Mexico by the depletion of the waters by the United States, and that any settlement by a pecuniary compensation would give little satisfaction, for the reason that by the time the sums due the parties were arrived at it will, in all probability, have been so dissipated by the intervention of lawyers, claim agents, and others that the true sufferers would be little compensated, and the further fact that it is believed that there is a moral obligation resting on the two Governments—and it is reasonably practicable—to rescue the perishing communities here from the heretofore unwitting spoliation of others above, who now in turn must perish themselves if compelled to desist from using the water which they have unlawfully appropriated. The commissioners therefore make the following recommendations:

RECOMMENDATIONS.

The joint commission therefore recommend to the two Governments they represent that a treaty be entered into as a final settlement of all questions past and future regarding the distribution of the waters of the Rio Grande.

(1) That the United States cede to Mexico the small tract of land before referred to, but reserving corporate rights of the Southern Pacific Railway Company to the United States.

(2) Construct the dam as designed by the joint engineers.

(3) Remove the railroads from the bed of the proposed reservoir.

(4) Acquire the land to be submerged.

(5) And in some way prevent the construction of any large reservoirs in the Rio Grande in the Territory of New Mexico, or in lieu thereof, if that be impracticable, restrain any such reservoirs hereafter constructed from the use of any waters to which the citizens of the El Paso Valley, either in Mexico or in the United States, have right by prior appropriation, and provide some legal and practicable remedy and redress, in case such waters should be used, to the citizens of both countries. And that thereafter the two Governments provide by joint representatives or mixed commission, who are to reside at their respective ends of the dam, for a permanent distribution of the flow, as follows:

One-half or so much of one-half as may be required to the Mexican side of the river for such use as the Mexican Government may see proper to apply it.

One-half or so much of one-half as may be required to the United States side for similar use by the United States.

And all the remaining flow not required by either nation to the bed of the river, so regulated by partially depleting and refilling the reservoir as to maintain as far as practicable a constant and uniform flow, for the purpose of avoiding a change of its bed (the boundary) by erosion or avulsion.

And in consideration of all the foregoing, that Mexico relinquish all claims for indemnity for the unlawful use of waters in the past, and accept the dam so constructed as an equitable distribution, past and future, of the waters of said river, so long as the United States conform to what is stipulated above.

That the United States defray all the expenses of the works of the dam, waste ways, outlets, etc.; the removal of the two railroads from the bed of the reservoir; the condemnation of the land; and have charge of the construction of the dam; and that Mexico be put to no pecuniary expense in the matter save the salaries and maintenance of such representatives as may be desired to witness the construction of the work and see that it be carried out according to the stipulations of the treaty and the specifications of the work.

In view of the importance in getting this subject before the present Administration in Washington in time to receive attention from both the executive and legislative departments, and thus avoid the long delay that would necessarily occur should the matter be laid over to a new Administration, having given the matter no previous study, it was decided that the United States commissioner would proceed at once, upon the signing of this journal, to Washington, to hand in person to the Secretary of State his copy of the proceedings, and that the Mexican commissioner would proceed at once to Mexico to carry his copy to his Government, with a request that the Mexican Government approve or disapprove these proceedings at as early a date as practicable, and telegraph the result to the Mexican minister in Washington, in order that there may be as little delay as practicable in the two Governments bringing this matter to a final determination.

If the United States permits the construction of the Elephant Butte Dam (or other similar structures) on the river in New Mexico, the commissioners concur in the opinion of the engineers that the work should be done under United States or international supervision, as the release of such a vast body of water would not only endanger life and property below it, but possibly destroy the international dam, 120 miles below, should it be built, and entail further destruction.

The population of the El Paso Valley is at least 50,000, all dependent upon the flow of the water in the Rio Grande. The engineers, in their report, place the population at 20,000.

At 2 p. m. the joint commission, having concluded the consideration of the subject of the distribution of the waters of the Rio Grande, and the proposed international dam at or near El Paso, thereupon adjourned.

ANSON MILLS,
United States Commissioner.
JOHN A. HAPPER,
United States Secretary.
F. JAVIER OSORNO,
Mexican Commissioner.
S. F. MAILLEFERT,
Mexican Secretary.

After the submission of this report by the commissioners of the two Governments, to wit, on December 19, 1896, December 29, 1896, January 5, 1897, and January 30, 1897, the then envoy extraordinary and minister plenipotentiary of Mexico to the United States at Washington informed the Secretary of State of the United States that he was authorized to sign a convention in the sense of the report subscribed by the commissioners concerning the construction of an international dam on the Rio Bravo del Norte and the equitable distribution of the waters thereof, the proposed draft of the convention being printed at page 182 of Senate Doc. No. 229, second session Fifty-fifth Congress. In the meanwhile the Secretary of State of the United States in reply to these notes of Mr. Romero, suggested to him that while the draft of the convention proposed was valuable and would probably greatly

facilitate subsequent negotiations, the Department of State found the subject embarrassed by greatly perplexing complications arising out of reservoir dams either already built or authorized through the concurrent action of the Federal or State authorities, and that the legal questions involved were under careful investigation and should be disposed of before the United States would be in a condition to negotiate.

Some of these questions suggested by the Secretary of State have been determined by the Supreme Court of the United States in favor of the United States in the case of *United States v. Rio Grande Dam and Irrigation Company* and the *Rio Grande Irrigation and Land Company, Limited*, 174 United States Reports, 690. From this case the treaties between the United States and Mexico and the official reports contained in Senate Doc. No. 229, second session Fifty-fifth Congress, it appears, (1) that where the Rio Grande River is the boundary the line is the middle of the stream; (2) that the navigation of the river is free and common to the vessels and citizens of both countries, without impediment or interruption; (3) that the river is navigable at least for several hundred miles above its mouth; (4) that this navigability has been largely depleted by the cutting off of the waters of the river and its tributaries in Colorado and New Mexico by dams and reservoirs; (5) that the volume of water below El Paso for irrigation and other domestic purposes has been greatly reduced by the same means; (6) that the navigability of the river and the supply of water for irrigation will be further injuriously affected and cut off by the construction of the proposed dams and reservoirs at and near Elephant Butte, in New Mexico, by the *Rio Grande Dam and Irrigation Company* and the *Rio Grande Irrigation and Land Company, Limited*, appellees in said cause, or by the construction of other such large and extensive dams and reservoirs.

In the case referred to the Supreme Court of the United States held and decided that it would be a violation of the laws of the United States thus to diminish the navigability of the river, and directed the court below to inquire into the facts, and if it was found that the navigability of the river was substantially diminished to restrain the acts by which it was done. So far as the committee is advised a final decree in the cause has not been rendered. The acts of Congress of March 3, 1891, January 21, 1895, February 26, 1897, and May 11, 1898, upon which the claim of right to construct such dams and reservoirs is supposed to be based, through license from the Secretary of the Interior, are in effect repealed by the proposed bill where others have right to the water by prior appropriation. It is, however, to be borne in mind that in the opinion of the Attorney-General (Senate Doc. No. 229, pp. 187 to 190) the Secretary of the Interior has no power to authorize the construction of dams which will diminish the navigability of rivers.

By the construction of the proposed international dam at El Paso several important ends will be attained. Among these may be mentioned, (1) a more constant and uniform current will be produced, and thereby prevent frequent changes in the bed of the river by violent avulsions, erosions and deposits; (2) the arid belt between El Paso and the mouth of the Concho River will be supplied with a just share of water for irrigation; (3) the navigability of the river will be restored and preserved, thus enforcing treaty rights and the domestic policy of the United States as well; (4) the claim of heavy damages

by Mexico (Document 229, pp. 179, 180), aggregating more than \$35,000,000, will be amicably adjusted, and (5) a feasible mode will be provided for regulating in future the use of the waters of the river so as to secure to each country concerned and to its inhabitants their legal and equitable rights in said waters. These results will be accomplished without injury or injustice to any State or Territory through which the river flows, for, as said by Gen. Anson Mills, the commissioner of the United States, the flow of water in the river at El Paso (Document 229, p. 13)—

is likely to be ample for the supply of the proposed international reservoir, after deductions are made for all the small reservoirs that are likely to be constructed for storage in Colorado and the probable increase of canals in Colorado and New Mexico.

[Senate Executive Report No. 1.]

Mr. Lodge, from the Committee on Foreign Relations, submitted the following report:

The islands which are the subject of this treaty lie outside the boundaries of the Philippine Archipelago, as described in Article III of the treaty of peace of December 10, 1898. They have always formed a part of the Sulu Archipelago. The possessions of the Sulu sultanate were the subject of a dispute which runs back to the middle of the eighteenth century. It is not necessary here to trace in detail the questions involved in the dispute. It is sufficient to say that by the protocol agreed upon March 7, 1885, between Great Britain, Germany, and Spain the sovereignty of Spain over the archipelago of Sulu was recognized, and in return Spain renounced all claims of sovereignty over any part of Borneo and over certain adjoining islands which were named, as well as others comprised within the zone of 3 marine leagues from the Borneo coast.

This settled the sovereignty of Spain over the islands of Cagayan Sulu and Sibutu and their dependencies which are the subjects of this treaty. They belonged to Spain at the time when the treaty of Paris was signed. That it was the intention of our commissioners to include in the cession of the Philippine Islands all the islands in that region or connected with that group which were under the sovereignty of Spain there is no doubt, but the lines of delimitation which are stated in article 3 leave Cagayan Sulu and Sibutu outside. It is, of course, a well-established principle of law that a particular description overrides a general one, and when Spain protested against our taking possession, as we did, of these two islands, it became apparent, on investigation, that her protest, whatever the intention of the commissioners or of the general description might have been, was well founded in point of law. Other powers were anxious to secure these two islands, and it would have been greatly to the disadvantage of the United States to have allowed them to pass into the possession of any other power. For these reasons this treaty was made and the two islands purchased so as to remove all doubts as to our title to them and to include them, as it was intended they should be included, in the original cession of the Philippine Islands.

The committee recommend the ratification of the treaty without amendment.

February 21, 1901.

[Senate Report No. 2402.]

Mr. Morgan, from the Committee on Foreign Relations, submitted the following report, being the views of the minority.

The views of the minority of the Committee on Foreign Relations on Senate resolution 470, reported adversely from that committee, are as follows:

Whereas an agreement with Costa Rica, and also with Nicaragua, has been made with the United States in the following terms, namely:

Protocol of an agreement between the Governments of the United States and of Costa Rica in regard to future negotiations for the construction of an interoceanic canal by way of Lake Nicaragua.

It is agreed between the two Governments that when the President of the United States is authorized by law to acquire control of such portion of the territory now belonging to Costa Rica as may be desirable and necessary on which to construct and protect a canal of depth and capacity sufficient for the passage of vessels of the greatest tonnage and draft now in use from a point near San Juan del Norte, on the Caribbean Sea, via Lake Nicaragua, to Brito, on the Pacific Ocean, they mutually engage to enter into negotiations with each other to settle the plan and the agreements, in detail, found necessary to accomplish the construction and to provide for the ownership and control of the proposed canal.

As preliminary to such future negotiations it is forthwith agreed that the course of said canal and the terminals thereof shall be the same that were stated in a treaty signed by the plenipotentiaries of the United States and Great Britain on February 5, 1900, and now pending in the Senate of the United States for confirmation, and that the provisions of the same shall be adhered to by the United States and Costa Rica.

In witness whereof the undersigned have signed this protocol and have hereunto affixed their seals.

Resolved, That the Clayton-Bulwer treaty of July 4, 1850, gives no right to Great Britain to demand that the Congress of the United States shall withhold its ratification of said agreements or shall abstain from legislation to provide for their prompt execution.

Resolved, That the ratification by Great Britain of the Hay-Pauncefote treaty of February 5, 1900, as the same has been amended in the Senate, is not a condition precedent to legislation by Congress in providing for the execution of said agreements with Costa Rica and Nicaragua; nor are the principles or provisions of the Clayton-Bulwer treaty, which was ratified July 4, 1850, any just or admissible ground of objection on the part of the Government of Her Britannic Majesty to the enactment of a law by Congress providing for the execution of such agreements with Costa Rica and Nicaragua.

The questions presented by the resolutions that have been adversely reported by the majority of the Committee on Foreign Relations are very plain, and they relate only to the right of Great Britain to direct or control or obstruct or prevent Congress, as a lawmaking body, from legislating for the promotion of a ship canal through Nicaragua and Costa Rica with the consent of those States.

The House bill No. 2538, known as the Hepburn bill, is the only measure before Congress relating to such canal that has received the sanction of either House, and it has been on the Senate Calendar, after passing the House by a vote almost unanimous, since the 14th day of May, 1900, when it was reported to the Senate by the Committee on Interoceanic Canals without dissent.

When that bill passed the House of Representatives the Clayton-Bulwer treaty had been brooding over our most vital rights and threatening the sovereignty of the United States for a half century. Its discussion as an impediment to our right to construct and control a ship canal through Nicaragua had excited among the people of the United States a deep sense of humiliation, which has grown into a strong resentment toward its authors and toward those who, being unwilling to fix a period for its abrogation, are committed to its indefinite continuance.

In the meantime, during the sixteen years that Congress has been engaged in active investigation and legislation on this subject, at great expense, Great Britain has maintained a studious silence as to any claim of right or comity to interfere with, protest against, or to criticise the action of Congress and of the President as to any of these numerous and varied proceedings.

Great Britain has observed the silence that is golden so discreetly that no record is found in all our intercourse with that Government to indicate her displeasure with anything the United States has said or done, and she remains silent.

This supremely dignified reticence may indicate a lying in wait for an opportune moment of advantage or a calculation that her frown may at any time startle us into paralysis, but it can not indicate indifference to a movement that threatens to transfer a very large part of the world's commerce from Liverpool to New York as a world's trade center.

Great Britain, as the owner of nearly half the stock in the Suez Canal, now worth above 700 per cent premium and yielding net dividends for twenty years past of more than 15 per cent, and as the military occupant of Egypt and the ambitious conqueror of a domain that will bring all of eastern, southern, and the half of northern Africa under her imperial scepter, can not be indifferent to such a rival as the Nicaraguan Canal.

The House of Representatives was not unconscious of this sleeping monarch, but it was conscious that the President, supported by the authority and power of Congress, would be stronger in his diplomatic power and prestige to deal with this silent antagonist when its claims or objections were notified to the United States, if that event should ever occur.

The House of Representatives, unconscious of such an objection as that the President and the Senate had abdicated the treaty-making power in favor of Great Britain, so that the United States could never negotiate with Nicaragua or Costa Rica for the right to own and con-

trol a ship canal within their boundaries without British consent, and spurning such a thought, if it ever intruded into the mind of any American, proceeded to enact the Hepburn bill, the first section of which is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and is hereby, authorized to acquire from the States of Costa Rica and Nicaragua, for and in behalf of the United States, control of such portion of territory now belonging to Costa Rica and Nicaragua as may be desirable and necessary on which to excavate, construct, and protect a canal of such depth and capacity as will be sufficient for the movements of ships of the greatest tonnage and draft now in use, from a point near Greytown, on the Caribbean Sea, via Lake Nicaragua, to Brito, on the Pacific Ocean; and such sum as may be necessary to secure such control is hereby appropriated out of any money in the Treasury not otherwise appropriated.

In the enactment of this section the House of Representatives left all questions as to treaty rights and all negotiations as to such rights where they belonged—to the diplomatic powers and functions of the President under the Constitution.

There is not a word or an inference in that bill that in the least calls in question the rights of Great Britain under the Clayton-Bulwer treaty or in restraint of the diplomatic powers of the President. There is much in that bill that would compel Great Britain and all other governments to disclose their objections, if any, to the acquisition by the United States of the rights described in the first section, and when disclosed to strengthen the hands of the President in dealing with such objections and either to remove them or to defy them.

This carefully selected ground was the only one upon which the House of Representatives could stand if they would truly represent the attitude of a proud, patient, just, and resolute constituency, and nearly all the House stood together on that ground and upheld the honor of the country.

The President prepared the way for this action of Congress by instituting negotiations with Costa Rica and Nicaragua, the States that have the first and only sovereign right to dispose of their territories, so as to subject them to such easements, rights, and privileges.

These negotiations resulted in protocols of agreement, in identical terms, with Costa Rica and with Nicaragua, which were signed by and sealed and delivered to the respective plenipotentiaries of the United States and of Nicaragua and Costa Rica, which are still in full force and effect.

The following is a copy of the agreement with Costa Rica:

Protocol of an agreement between the Governments of the United States and of Costa Rica in regard to future negotiations for the construction of an interoceanic canal by way of Lake Nicaragua.

It is agreed between the two Governments that when the President of the United States is authorized by law to acquire control of such portion of the territory now belonging to Costa Rica as may be desirable and necessary on which to construct and protect a canal of depth and capacity sufficient for the passage of vessels of the greatest tonnage and draft now in use from a point near San Juan del Norte, on the Caribbean Sea, via Lake Nicaragua, to Brito, on the Pacific Ocean, they mutually engage to enter into negotiations with each other to settle the plan and the agreements, in detail, found necessary to accomplish the construction and to provide for the ownership and control of the proposed canal.

As preliminary to such future negotiations it is forthwith agreed that the course of said canal and the terminals thereof shall be the same that were stated in a treaty signed by the plenipotentiaries of the United States and Great Britain on February fifth, nineteen hundred, and now pending in the Senate of the United States for con-

firmation, and that the provisions of the same shall be adhered to by the United States and Costa Rica.

In witness whereof the undersigned have signed this protocol and have hereunto affixed their seals.

The basic agreements in those protocols are made to take effect "forthwith" from the date of said agreements. The President in formulating these agreements copied the language of the House bill above set forth, covering every substantial right in detail that is included in the first section of that measure.

It is therefore unquestionable that the President distinctly affirmed his right, as the diplomatic agent and representative of the United States, thereunto empowered by the Constitution, to negotiate and conclude those agreements with Costa Rica and Nicaragua.

It is equally clear that in copying these protocols from the first section of the House bill the President intended to reach the same object in which the House of Representatives has invited the concurrence of the Senate in due form of legislation.

It is quite as clear that the President, in making these agreements in the name of the United States, defiantly disregarded any claim of right that Great Britain could assert to the effect that her consent was necessary to such action on his part as President. And, equally, he asserted the right of Congress to disregard any claims of Great Britain to prevent the acquisition of such rights from Costa Rica and Nicaragua, and to appropriate money for that distinct purpose.

Whatever question or suggestion of comity, courtesy, or of diplomatic politeness affected or still affects the action of Congress in legislation equally affected the President and for a better reason, since he could apologize and Congress could not for any breach of good manners toward a slumbering and inoffensive friend.

But the President did not hesitate or halt between two opinions where the honor and rights of his country were so deeply involved and were so keenly felt by the people. He went boldly to Nicaragua and Costa Rica and claimed those rights and privileges from the sovereign States that could alone grant them, *with a full knowledge that they were forbidden to the United States in the Clayton-Bulwer treaty.*

Those agreements are absolutely and conclusively repugnant to the Clayton-Bulwer treaty, and Great Britain can deal with them as violations of that treaty, and therefore as hostile acts, if she chooses.

The President made these agreements conclusive on him as a sovereign representative of the United States, and he could not escape from their obligations except by the assistance of Congress or the consent of Costa Rica and Nicaragua.

If Great Britain chooses to regard the President's agreements as acts of hostility, the United States can not avoid the consequences except by repudiating or annulling those agreements with Costa Rica and Nicaragua. This action of the President, so honorable to his wisdom and patriotism, goes still further. It binds the Government of the United States to treat with Nicaragua and Costa Rica for the settlement—

of the plans and the agreements found necessary to accomplish the construction and to provide for the ownership and control of the proposed canal.

No country can honorably or lawfully escape from its obligation to treat on a particular subject after it has solemnly agreed to enter into such negotiations.

In the nature of things such agreements are made by the President under the power to make treaties given him by the Constitution, and the advice and consent of the Senate is not requisite to the exercise of this purely diplomatic function.

Otherwise the treaty made with China in concert with other powers is a nullity; so far as the United States is concerned, and the terrible penalties of death that it is inflicting on Chinese notables are mere homicides, without justification of law. This is not the only instance in which the United States is bound by agreements made by the President without the advice and consent of the Senate.

We have had on many occasions, and still have, diplomatic agreements of long standing and of vast importance that were never submitted to the Senate.

The disarmament on the Great Lakes, the *modus vivendi* as to the fisheries on the northeastern coast and in Bering Sea, and that which relates to the Alaskan boundary are all in the nature of treaty obligations that may last for all time if they are not revoked.

The public laws of nations bind us, as they bind all other nations, and our President, representing a sovereign power as its diplomatic head and as its civil and military representative, has powers that are equal to all that he is now doing in the name of the United States in the Philippine Islands and in China.

If he can do those things, he can certainly bind the United States, at least until Congress shall set them aside, to the agreements he has signed and sealed with Nicaragua and Costa Rica.

Beyond question, he has bound himself as President and as a plenipotentiary to those agreements, and if they violate the rights of Great Britain or give her just offense Congress is also bound either to undo the wrong and atone for it, and repudiate and impeach what the President has done, or sustain his action.

The President has not hesitated to launch the powers of his great office against the claims set up by Great Britain, or, to speak more truly, the claims that have been set up for Great Britain by meddling and superserviceable friends, arising out of the Clayton-Bulwer treaty. The undersigned has no concern about the attitude of the President toward this subject except to insist that it is a complete justification of the motive, purpose, and of the language employed in the Hepburn bill, and as an implied request of the President for its enactment.

In the opening clause of these agreements there is this condition precedent:

That when the President of the United States is authorized by law to acquire control of such portion of the territory now belonging to Costa Rica as may be desirable and necessary on which to construct and protect a canal * * * they mutually agree to settle the plan, etc.,

and,

as preliminary to such future negotiations it is forthwith agreed that the course of said canal and the terminals thereof shall be the same that were stated, etc.

This agreement is vital to the future of Costa Rica and Nicaragua. It holds the future destiny of those States in its grasp as inevitably as the life of an unborn child is merged in the life of its mother. Can the President of the United States cancel or repudiate these agreements and survive the obloquy it would fasten upon him? It would reverse the whole tenor of a noble life and a splendid career to do an act of such supreme injustice to two sister Republics.

The President agreed with those States to assist in getting the authority of law from Congress in the very words of the Hepburn bill.

The Senate may repudiate the agreement of the President by refusing to confer this necessary power upon him. In doing this the Senate will assume whatever burden of evil or misfortune it may bring upon the country. The President, if he lives up to his engagement, will be acquitted. If he does not, his condemnation is inevitable.

On our side of these agreements there are advantages of immense value, and we should not forfeit them, as we must forfeit them if we delay unreasonably to confer the powers on the President that are called for by his agreements with Costa Rica and Nicaragua.

Under the cloud of the Clayton-Bulwer treaty we have beaten about like a rudderless ship, seeking some way to do our duty to our own country in constructing a canal.

Concession after concession has been made by these States to our people, on which the United States and our citizens have expended vast sums of money, only to end in failure. Two great treaties with these States have been defeated by the interference of the British Government directly, or through the influence of the Clayton-Bulwer treaty, and now a third treaty is in process of negotiation, with the basic agreement settled and concluded, signed, sealed, and delivered. That agreement calls for legislation by Congress, adopting the language of the Hepburn bill, and British interests are again being mustered for its defeat.

This is the first treaty we have had with Nicaragua or Costa Rica that gives us the specific and exclusive right to construct, own, control, manage, and protect a canal. The other treaties admitted those States to such an ownership in the canal as to prevent our ownership and control from being exclusive. In this respect and in others the value of this concession to the United States is simply incalculable.

Congress can not lightly throw aside such splendid opportunities and advantages.

What has been done in the making of these agreements has the moral sanction of Great Britain in the Hay-Pauncefote treaty, and if, for other reasons of interest or ambition, she should call us to task for this act of the President it can not be doubted that the people of the United States will stand by him in all emergencies.

We have admitted by these agreements that Nicaragua and Costa Rica have the full right to make like agreements, at least with other American States. What should we do or say if Mexico, Cuba, and the other three States of Central America should indorse the bonds of Costa Rica and Nicaragua to enable them to build this canal?

While the agreement made with the President of the United States is in force no nation can interfere to obtain a like agreement from Costa Rica and Nicaragua. When we abandon these agreements, we can have no just ground for denying the right of those States to make similar agreements with other countries.

To delay beyond this session to pass the House bill will be to assume a risk of extreme danger.

The Clayton-Bulwer treaty, which the President has defied without apology, is no bar to the rights we have acquired by these agreements with Costa Rica and Nicaragua, and so the first of these resolutions declares.

The second resolution relates to the Hay-Pauncefote treaty, and

declares that its ratification by Great Britain as it was amended by the Senate is not a condition precedent to legislation by Congress to provide for the execution of the agreements with Costa Rica and Nicaragua. This is a question of comity between the treaty-making power and the legislative power in Congress.

Has the Senate the right, or is it proper or decorous, to insist that an agreement made by the President, that requires the legislation of Congress, shall not be so provided, but shall await the consent of Great Britain to amendments to a treaty put on it by the action of the Senate?

Such an unseemly demand would place the treaty-making power above the lawmaking power, and that is enough to say about it. When the predicate for such a serious demand is only the possible offense that Great Britain may choose to take, to yield to such assumption is a sacrifice of vital measures to the hollow and insincere formalities that make diplomacy too often the synonym for hypocrisy.

It may be the still worse plan of timorous hesitation to stand by a just cause and a clear right lest we should give offense to a great power. The American people have never heard that excused made by their public servants without disgust.

The Hepburn bill does not in the least disagree with the Hay-Pauncefote treaty as it is amended by the Senate. If that treaty falls, does the canal become an impossibility? If it is accepted by Great Britain, does that release Congress from the leash, so that it can proceed to legislate?

Are we so beneath the power of Great Britain that the existence of a canal is a matter that requires her consent? These questions go to the merits of the situation, and an adverse report upon these resolutions gives over these great rights and interests of the United States to be granted or refused at the will of Great Britain. The Hay-Pauncefote treaty, in its original form and as it was amended by the Senate, was never necessary to the preservation of any right or the promotion of any policy of the United States.

At most it was an effort to suppress controversy and to smooth the way to good relations with Great Britain. Its principles were correct, and that fact alone justified a vote for its ratification. If it is to disappear from negotiations in future, our rights will be none the less clear and distinct.

If it is again to appear in a new negotiation, accompanied by further concessions to Great Britain, candor as well as a wise precaution requires that the Senate should resolve that Great Britain has no right, under any circumstances, to embarrass the right of the United States to the exclusive ownership of a ship canal in the Isthmus of Darien, with the consent of the local sovereignties in which it is to be located.

To this complexion it will come at last, and we should at once march to this conclusion and sweep off the incubus of the Clayton-Bulwer treaty.

Congress is the power to which these great questions are confided by the Constitution, and the President was wise and dutiful in his appeal to the lawmaking power for support in the valuable agreements he has concluded with Nicaragua and Costa Rica.

The undersigned deeply regrets the refusal of a majority of the committee to support those agreements without first obtaining the consent of Great Britain. There is much in the Hay-Pauncefote

treaty that is just, wise, and commendable, and, as it is amended by the Senate, it is a clear abrogation of the unexecuted features of the Clayton-Bulwer treaty.

It removes possible objections that may arise from the Clayton-Bulwer treaty in the minds of British statesmen to impede our right to provide for the United States a necessary feature of our political, commercial, and military security, and it provides for such a neutrality in the use of the canal by commercial nations as is rightfully demanded by all Christendom.

But, so far as we are concerned, the Hay-Pauncefote treaty and all other projected plans for regulating the use of the canal are subordinate to the main proposition that it is our national right, with the consent of the sovereigns of the soil, to construct, own, and control the canal.

Beyond question, all efforts to secure those rights by agreement should begin with the States of Nicaragua and Costa Rica, and not with Great Britain, who has no just power over the subject.

It is a duty we owe to those Republics to remove from their sovereign rights and liberties the oppressive incubus and ban that we assisted Great Britain in imposing upon them fifty years ago.

Our perpetual alliance with Great Britain in the Clayton-Bulwer treaty to prohibit Costa Rica and Nicaragua from the free exercise of their sovereign powers in their own country and to force them to receive protection from the two most powerful nations in the world, without even consulting those Republics, was an offense against international justice that we should make haste to expunge from our supreme law.

In dealing with this subject we should have begun at the point at which these agreements with Nicaragua and Costa Rica begin, and we should now end where they end, making the transaction honorable, just, and complete with the only States that have any right to a voice in the matter.

Instead of this high and commendable course we began by asking the consent of Great Britain to release us from a bargain that was always a stain upon her reputation and ours and to free Nicaragua and Costa Rica from a burden of oppression that our joint agreement had imposed upon those sovereign Republics.

That was the purpose of the Hay-Pauncefote treaty, but the occasion was improved to extend the use of the canal to all other nations on terms consistent with the enlightened spirit of the age, and this high purpose justified that negotiation.

It was a movement that was inspired by the noblest purpose of contributing to the peace, the prosperity, and the good will of all commercial nations. Yet it was not properly deferential to Costa Rica, Nicaragua, and other great American States, and the treaty should not have been concluded until its provisions had been first submitted to Costa Rica and Nicaragua.

When the President realized that this would have been the better policy and the more appropriate course of diplomatic action, he did not hesitate to agree with Nicaragua and Costa Rica as to the grant to the United States of the rights sought to be established by the strenuous vote of the House of Representatives, to the great honor of the country.

He made those agreements, which, if they had been entered upon before the Hay-Pauncefote agreement was negotiated, would have drawn into their triumphant progress the free assent of Great Britain and the applause of the whole world.

But, coming after the time that treaty was negotiated, the effect was to cast a shadow of doubt upon the right of Congress, as a legislative body, to proceed upon the high ground of constitutional right in obtaining concessions from Nicaragua and Costa Rica.

It was assumed that Congress had no right to legislate until the treaty-making power had first cleared the way for its action by removing the obstacle of the Clayton-Bulwer treaty, which was assumed to exist, although Great Britain had not indicated a purpose to place that treaty in antagonism to the action that Congress was then engaged in perfecting.

This unfortunate coincidence has not failed, as it could not fail, to create jealousy between the President and the Senate on the one hand, as a treaty-making power, and Congress on the other hand as the law-making power of the United States.

This rivalry at once appeared in vigorous demonstrations, and the President has wisely pursued the only plan open to him to cause it to disappear.

Following literally the provisions of the first section of the House bill, agreed to by a great and decisive majority, the President has solemnly agreed with Nicaragua and Costa Rica for the grant and concession of rights and privileges touching the canal; that are all we shall need, and are to be used, so far as other nations are concerned, in pursuance of the principles declared in the Hay-Pauncefote treaty.

These agreements harmonize the action of Congress with the declared views and purposes of the treaty-making powers of the United States, and the whole question of the future existence of the canal is involved in their provisions, so far as can now be seen or conjectured.

We are bound to agree with Costa Rica and Nicaragua as to the terms on which canal privileges will be extended to the United States if this subject is to be settled by agreement.

We have so agreed and the question is whether, in a spasm of apprehension, or under a subordination to the criticisms that British opinion may inflict upon us, we will permit that Government to compel the President to abandon these agreements. They are honorable, just, lawful, and inconceivably valuable, and, once abandoned, we can not expect a peaceful resumption of them.

These resolutions against which the committee has reported simply assert that Great Britain has no right, under circumstances that now exist, or that can hereafter exist, to prevent Congress from carrying these agreements with Nicaragua and Costa Rica into execution if such is the pleasure of Congress.

The resolutions have my hearty approval, and I can not admit that the President has any rights to direct Congress as to the time when it is expedient to express our approval of his solemn act of making these agreements with Nicaragua and Costa Rica.

This claim was made in the committee, and his views as to the expediency of action were stated as grounds of objection to the resolutions. From this view of the duty of the Senate I wholly dissent.

There is no expedient time for any dereliction of duty in public

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